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ABSTRACT

The Secretary's Advisory Committee on the Rights and Responsibilities of Women of the Department of Health, Education, and Welfare (HEW) has published the compendium of its work in 1973 and 1974. The 1974 report covers the following topics: (1) the Year in Review, (2) Recommendations in the fields of Health, Education, Social Services, and changes within HEW, (3) Look to the Future, (4) Summaries of meetings. Topics in the 1973 report include: (1) Report of the Internal Affairs Subcommittee, (2) Report of the Health Subcommittee, (3) Report of the Education Subcommittee, (4) Report of the Social Services and Welfare Subcommittee, (5) Summaries of the year's meetings. (Author/SPT)

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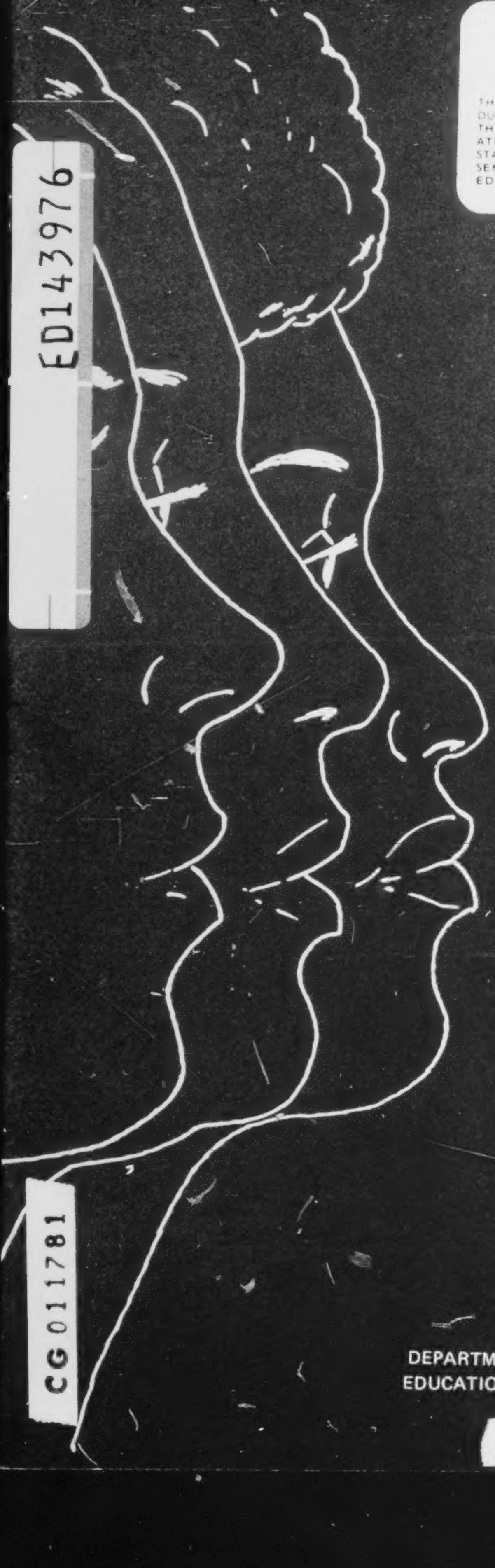

The RIGHTS & RESPONSIBILITIES of WOMEN

RECOMMENDATIONS OF THE SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

1973 1974

CG011781

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

FOREWORD

In 1972, former Secretary Elliot Richardson formed a Secretary's Advisory Committee on the Rights and Responsibilities of Women. It has been my pleasure to work with the seventeen members of this Committee for the past two years; and during this time, I am pleased to report that, with their assistance, progress has been made in the campaign to eliminate all discrimination based on sex.

I requested the members focus on four areas of prime concern to women and the Department of Health, Education, and Welfare. These included: Title IX regulations of the Education Amendments of 1972, national health insurance and its impact on the special health needs of women, social security's treatment of women, and career advancement for clerical and secretarial employees in the Department.

Because of the work which the Committee has done in these four areas, I know that I have, and I am confident that the Department of Health, Education, and Welfare has, a better understanding of the issues which concern women. For example, family planning programs both at home and abroad must be administered so as to respect women's rights, and not to supplant them. In addition, we are also aware of the needs of low-income and indigent women as we develop the Department's policies on welfare reform. Furthermore, in 1975, the advice and guidance of the Advisory Committee will be particularly useful as the Department plans its participation in International Women's Year.

We will all review the recommendations and suggestions in this attached report, with great interest and with great care. In closing, I want to thank the members of the Committee for their dedication to the task of eliminating inequality, and I look forward to their continued advice and counsel in the coming year.

Caspar W. Weinberger

THE RIGHTS AND RESPONSIBILITIES OF WOMEN

The Secretary's Advisory Committee on the Rights and Responsibilities of Women is pleased to publish this compendium of its work over the past two years. These reports are the result of the dedicated and sensitive efforts of Committee Members to ensure that women's needs are fully addressed by all programs and policies of the Department of Health, Education, and Welfare. It is a privilege for me to have been associated with such distinguished advocates for women.

As we move forward into International Women's Year, the Committee's mandate to eliminate sex discrimination is even more challenging, for we are now part of a world-wide movement to ensure equal rights for women.

This year, building on the progress of our colleagues who have gone before us, the Committee will be scrutinizing in depth several Department program areas of utmost importance and concern to women:

- health services for the physically handicapped and elderly women;
- health services for female children and adolescents;
- vocational education for women;
- child care

Internally, the Committee will work with agency directors to seek ways by which the Department's Affirmative Action Plan for women may be more vigorously pursued.

We look forward to the comments of concerned persons, inside and outside the Department on the recommendations we have made in the following pages, and most warmly welcome inquiries and suggestions about our current areas of concern.

Osta Underwood
Chairperson
Secretary's Advisory Committee
on the Rights and Responsibilities
of Women

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LETTER OF TRANSMITTAL

Dear Mr. Secretary:

Following our September 13, 1973 meeting with you to transmit our first annual report and discuss Committee priorities for the coming year, the members began addressing these priority areas: national health insurance, Title IX regulations for the Education Amendments of 1972, social security's treatment of women, and "career ladders" i.e. career advancement opportunities for secretarial and clerical workers.

Much has happened in the Department and throughout the nation that affects the concerns of women. Your leadership has been and continues to be of prime importance in the effort to eliminate discrimination based on sex not only at HEW but also in the programs administered by the Department, programs which have a major impact on the lives of all Americans.

Policy statements issued by you during the year relevant to this effort include:

(1) A policy statement increasing the staff allotment for the Higher Education Division of the Office for Civil Rights to insure enforcement of Executive Order 11246, Title VI of the Civil Rights Act, and Title IX of the Education Amendments of 1972.

(2) A policy statement on December 4, 1973 ordering all HEW employees to refuse official speaking engagements at facilities or organizations practicing any form of discrimination. (This order resulted from a complaint by a female reporter who was refused admittance to the Chicago Club to cover a luncheon speech given by you. In keeping with this order, you did not attend the April Gridiron dinner.)

(3) A policy statement on May 5, 1974 ordering deletion from new employee rating forms of all references to the sex of workers. (One form by which the 139,000 DHEW employees are rated annually by their supervisors contains repeated references to "He," "His," or "Himself" while making no reference to females.)

There were several other key initiatives during the year–*the active recruitment of a woman to serve as Assistant Secretary for Education*, the first woman to hold the top education position and, most recently, the issuance of the regulations to implement Title IX of the Education Amendments of 1972. Evidence of your strong support and interest was the excellent press briefing you conducted in Washington on the regulations.

In February, the President declared 1975 to be International Women's Year. The Committee believes this to be an excellent opportunity for HEW to intensify its efforts to advance the status of women and is pleased that the Department has already begun to make plans for this through the designation of a Departmental coordinator for International Women's Year.

International Women's Year comes between two other years which are also significant for women: 1974–World Population Year and 1976–the 200th anniversary of our nation. With regard to the former, recent studies have shown that there is a close relationship between family size on the one-hand and the educational, economic, legal and social status of women on the other. Women cannot hope to participate fully in society until they are able to exercise choice in their childbearing role. World Population Year also has an additional importance for us and for HEW since the U.S. delegation to the World Population

Conference will be lead by you, Mr. Secretary. As for the later, hopefully, 1976 will make the elimination of sex discrimination, and attainment of legal, political, and social equality for all. Recognition of the contributions of women in the past, and the full utilization of this nation's human resources in the future, should be the goal of this three-year period.

The Committee members wish to acknowledge your support through the renewal of this Committee's charter until May, 1976 and to assure you of their continued efforts in this endeavor. The members wish to also acknowledge the invaluable cooperation of Mr. William Morrill, Assistant Secretary for Planning and Evaluation and his assistant, Mr. Michael L. Davis for their support, advice, and encouragement throughout the year. For the preparation of this annual report, we are grateful to our editorial consultant, Jean Halloran of INFORM, Inc.

Thus the members of your Advisory Committee on the Rights and Responsibilities of Women transmit the attached report and recommendations for your consideration.

Elizabeth Athanasakos, Chairperson
Walter Abrams
Dorothy Bolden
Vera Brown
Mary Bunting
James Dunlap
Barbara Gunderson
Xandra Kayden
Barbara Greene Kilberg

B. Ann Kleindienst
Elizabeth Koontz
Betty Southard Murphy
Deborah Roach
Juliette Ruiz
Mildred Smith
Leona Troxell
Nina Woodside

1. THE YEAR IN REVIEW

Because achievement of equal opportunity for women entails solving unique problems which require special attention; because the issues of change with which the Department of Health, Education, and Welfare is dealing as it assesses and implements the recommendations of its Women's Action Program and the Federal Women's Program are numerous, pervasive and complex, both for HEW and for American society; and because the Department's efforts to take initiative in freeing women and men from unnecessary constraints on their opportunities would benefit greatly from advice and assistance from sources of expertise in addition to those found in the Department; Former Secretary Elliot Richardson on May 4, 1972 established the Secretary's Advisory Committee on the Rights and Responsibilities of Women (SACRRW).

SACRRW's 17 public members, including the Chairperson, are appointed by the Secretary. The public members include authorities in the fields of health, education and social services, and representatives of the general public. The Director of the HEW Women's Action Program and its Federal Women's Program Director are *ex officio* members.

The function of SACRRW is to advise the Secretary concerning policies, programs and other activities of the Department related to the status of women. In the two years since it was formed, the Committee has met with HEW agency heads, regional HEW personnel, and providers and consumers of HEW services. The Committee has held hearings in four regions: Dallas, San Francisco, Philadelphia and Kansas City. Interested individuals and representatives of women's organizations attended these meetings as observers and participants. The concerns which these people expressed include, but are not limited to: affirmative action in educational institutions and at HEW, sex-role sterotyping in education, availability of child care facilities, welfare reform, discrimination in insurance, and availability of services such as family planning.

The Committee's first annual report was presented to Secretary Caspar Weinberger in September, 1973. Among the issues it addressed were DHEW's affirmative action plan, a national health policy for the promotion and protection of the health of women and children, enforcement of non-discrimination in education, and social security revision. The report was circulated by the Executive Secretariat to all Assistant Secretaries, Agency Heads and Regional Directors. The Women's Action Program is preparing a summary of comments from HEW officials along with recommendations for HEW action.

During the Committee's September meeting with Secretary Weinberger, the members also expressed great concern at the lack of appointment of women to top policy-making positions in the Department. Following that meeting a vacancy occurred in the position of Assistant Secretary for Education. The Committee members submitted several names of women educators throughout the country for consideration.

Through much diligent effort under the leadership of Secretary Weinberger, an outstanding woman in higher education, Dr. Virginia Trotter, was nominated for the position of Assistant Secretary for Education, the first woman to hold the top education position in the Department. In April the members transmitted their appreciation to the Secretary and offered their continued assistance in identifying woman for top position at HEW.

Subsequent to the submission of its report for 1973, the Committee's four major subcommittees met and established priorities. The full Committee then selected four major priorities for study in 1973-74. The activities of the subcommittees during that period are described below.

Health Subcommittee

The Health Subcommittee, at its November, 1973, meeting, selected national health insurance coverage of health needs unique to women as its major topic of study for the year. The members had previously addressed a few specifics in maternity-related care and family planning services that should be covered by any national health insurance.

With the assistance of a study completed for the Committee by Dr. Kay Keiser of Health Dynamics, Inc., the members were able to compare the various health insurance proposals before Congress this year, with special emphasis upon the concerns and needs of women. The Committee's analysis and recommendations in this area appear in the "RECOMMENDATIONS" section of this report (pages 14-25). The members also studied the impact of national health insurance upon the health care delivery system.

Throughout the year the members met with HEW officials responsible for the drafting of the Administration's proposed national health insurance legislation. The members also received an invitation to talk with the members of the President's Citizen's Advisory Council on the Status of Women to discuss the issue of national health insurance and its coverage of health needs of women.

In May the Committee wrote to individual women and women's organizations to encourage them to become familiar with the various national health insurance proposals and express their views on this important subject to the Committee.

Members also met with HEW officials to follow-up on previous recommendations made in the areas of family planning and health professionals. Several bills which seek to affect training, licensing and distribution of medical personnel have been introduced into Congress. The members will address specific recommendations in the area of health manpower legislation when the Department comes closer to introducing or implementing such legislation.

Last year the Education and Health Subcommittees recommended the immediate release of the regulations implementing Title VII and VIII of the Public Health Service Act as amended by the Comprehensive Health Manpower Act and the Nurse Training Amendments Act of 1971, which ban sex discrimination in admissions to Federally-sponsored health-related training programs. Proposed regulations were issued by the Department in September, 1973 but, as of July, 1974, the final regulations had not been published in the *Federal Register.* The members urged that during the public comment period for the Title IX regulations (see Education Subcommittee) that the Department make every effort to release the regulations implementing Title VII and VIII of the Public Health Service Act.

Education Subcommittee

In the Committee's September, 1973 report to the Secretary, the Education Subcommittee addressed the issue of enforcement of non-discrimination in educational programs. One recommendation was the immediate release of the regulations to implement Title IX of the Education Amendments of 1972, which prohibits sex discrimination at all educational institutions receiving Federal aid (nearly all educational institutions in the country). The proposed regulations, covering admissions, curriculum, athletics, fringe benefits, compliance procedures, coverage of private groups, employment, financial aid, housing and course offerings, were published in the *Federal Register* on June 20, 1974. The public has until October 15, 1974 to comment, before the final regulations are promulgated.

While the regulations were being drafted, the members of the Committee at the direction of Secretary Weinberger consulted with various persons in the Department responsible for the regulations. A series of meetings were held beginning in early October.

A majority of the Committee's recommendations were incorporated. These include (in the order in which they appear in the regulations):

(1) inclusion of a statement prohibiting discrimination in admissions testing

(2) inclusion of examples, and deletion of reference to "case-by-case" interpretation, under the prohibition regarding assistance to another entity which discriminates

(3) clarification, under the rules for external education programs, of the exemption for exchange programs between students of an exempt single sex institution and a coeducational institution

(4) addition of a statement which would insure availability of married student housing to female as well as male eligible students

(5) addition of music to the list of examples of courses which cannot be limited to members of one sex (the Committee was concerned that marching bands be covered)

(6) inclusion of a statement on interscholastic athletics to the effect that "the rules and regulations of a group or organization governing competitive athletics shall not alter the obligation of a recipient to comply with the provisions . . ."

(7) inclusion, under affirmative efforts in athletics, of a statement requiring that student interest in athletics be newly determined annually, with each new freshman class, and courses be selected on a yearly basis

(8) inclusion of a ban on discrimination in granting tenure

(9) inclusion of a ban on discrimination in sending personnel to professional meetings, and in paying expenses for such trips

(10) deletion, from the section on seniority systems, of a statement which permitted separate systems if they were inherently necessary for the successful operation of educational programs and activities (the Committee felt that such situations are rare, and are covered adequately under the stipulation on "bona fide occupational qualification")

(11) inclusion, under pre-employment inquiries, of a ban on questions about a woman's (but not a man's) marital status, including whether applicant is "Ms., Miss or Mrs."

(12) narrowing of the interpretation of "bona fide occupational qualification" so as to apply only to those situations such as locker room attendant where personal privacy is a concern

(13) addition of requirements regarding due process rights for complainants under the regulations; it is now stipulated that complainants will receive notice of HEW's receipt of their complaint, of resolution of matters, of time and place of hearing, and of decision and notices with regard to the complaint, and that they may participate in hearings as *amicus curiae*.

The Committee also sought, and had accepted, clarification of the regulations in the areas of definition of professional education, pregnancy leave for fathers, and the role of the recipient in assisting other organizations which may discriminate.

Of the Committee's recommendations which were not accepted, several were enumerated in the Preamble to the regulations for comment: these include recommendations with regard to fringe benefits and endowed financial assistance.

These issues, the remaining recommendations which were not accepted by the Department (in the areas of extra-curricular activities, procedures, professional education, and the nature of assurances of compliance), and the Committee's positions on other major issues on which DHEW has solicited comments, are discussed under "Education: Focus on Title IX of the Education Amendments of 1972" (pages 26-34) in the "RECOMMENDATIONS" section of this report.

The Committee has also been involved in the planning of the regional briefings on the Title IX regulations. These briefings are one phase of implementation of another of the Committee's recommendations of 1973: that Title IX provisions be publicized in all possible ways. A member of the Committee will be in attendance at these briefings wherever possible.

The Committee had been concerned that the proposed regulations be released prior to the close of school to insure that students and female faculty, who are not as likely to be present during the summer months, would have an opportunity to speak out during the public comment period. A memo to that effect was transmitted to the Secretary on April 15, 1974. The unusually long (June 20-October 15) comment period established for the regulations appears to have taken care of this problem.

As for other concerns of the Committee, the Women's Educational Equity Act which would authorize the Secretary of HEW to make grants to develop non-sexist curriculum and texts, and non-discriminatory vocational and career counseling and sports programs, was discussed at the Committee's November meeting. After reviewing the proposed legislation and the Department's testimony on the bill, the members recommended to the Secretary that the Department change its position and support the Women's Educational Equity Act of 1973. The members were cognizant of the budget restraints on government agencies and that the Department did not favor the creation of new funds. However, the members also felt that the Department should support every effort to eliminate sex discrimination in education.

Social Services and Welfare Subcommittee

During the summer of 1973, the Joint Economic Committee of the Congress held hearings on the "Economic Problems of Women," including "The Treatment of Women Under Social Security and Private Pension Plans."

In the Committee's September, 1973 report to the Secretary, the members of the Social Services and Welfare Subcommittee recommended some changes in the Social Security Act with regard to its treatment of women. Then at the Committee's November meeting the Subcommittee at the suggestion of the Secretary followed up on these recommendations and the implementation of the new Supplemental Security Income program.

The Committee has held meetings with HEW officials from the Social Security Administration to discuss the feasibility of its 1973 recommendations and to learn what other inequities exist under the Social Security Act.

The members also reviewed a draft of a report entitled "Equal Rights for Men and Women Under the Social Security Provisions of the Law," prepared by the Social Security Administration as a part of their analytic agenda for FY '73. The Committee forwarded its analysis and recommendations regarding this paper to the Assistant Secretary for Planning and Evaluation. The members recommended that the paper be redrafted to present an objective analysis of the issues, including advantages, disadvantages; and costs of alternatives to present practices.

More recently, the Committee was invited to attend the meeting of the Advisory Council on the Economic Role of Women chaired by Herbert Stein, of which the Secretary is a member, to discuss the social security program and the Committee's recommendations.

The Committee's recommendations with regard to social security appear in the "RECOMMENDATIONS" section of this report (pages 35-45).

Administration and Fiscal Subcommittee

At the September meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women, Secretary Weinberger suggested that the Committee bring its expertise from the private sector in the area of career development or career ladders for secretarial/clerical employees to bear on the problem of opportunities for women in secretarial/clerical positions at HEW.

Following this meeting the members met with HEW personnel in classification; women from the Women's Bureau at the U.S. Department of Labor working on career ladders for household workers; and a GSA compliance officer involved with the AT&T equal opportunity settlement. The purpose of these meetings was to develop a series of questions which could be asked of private industry to assess its progress in the area of career development for secretarial/clerical workers.

The members then sought the assistance of outside consultants to work with them on this project. One investigated industry's treatment of secretarial/clerical employees; the second assessed ways in which women who may wish to move out of secretarial/clerical positions may be helped to move into paraprofessional/professional positions at HEW. Dr. Vera Brown, Federal Women's Program Director, made a study of mobility of GS-318 (secretarial) employees at HEW.

The Committee's report and recommendations on career ladders for secretarial/clerical workers appears in the "RECOMMENDATIONS" section of this report (pages 46-57).

The members also reviewed their recommendations of 1973, as Department policy relative to Equal Employment Opportunity was revised. A brief summary of those recommendations on affirmative action plans, and a summary of Departmental policy which was promulgated in this area follow.

The Committee recommended that to ensure the effectiveness of the Department's Affirmative Action Plan the following should be implemented:

(1) Agency Heads and Regional Directors should be held rigorously accountable for the Affirmative Action Plan they have endorsed, and should in turn insist upon their manager's accountability for it.
(2) Agency Heads and Regional Directors should set appropriate goals for women in the Plan and should submit the Plan in a timely fashion.
(3) The Secretary should require quarterly monitoring of the Affirmative Action Plans so that implementation of their goals will become a reality.

The organizational decisions made by the Under Secretary on March 7, 1974 included:

(1) Regional Directors will be held accountable for developing and implementing an Affirmative Action Plan.
(2) Regional Directors will be held responsible for Equal Employment Opportunity.
(3) The Under Secretary will have quarterly face to face sessions with Administration and Management staff to review progress on Departmental Affirmative Action Plans.
(4) Measurable objectives at all levels will be established.
(5) Corrective action assignments in Affirmative Action Plans should be monitored.

Another of the Committee's recommendations that has had widespread support has been to encourage the Department in the use of part-time employment. To date the Federal Women's Program has issued two reports on part-time employees in the Department. The latest was presented at the Secretary's Staff Meeting in November, 1973. At the request of the Secretary, a brochure was prepared by the FWP to clarify to management what part-time employment is and the advantages it offers.

2. RECOMMENDATIONS

SUMMARY
INTRODUCTION

Although the needs and concerns of women are myriad in the areas of health, education, welfare, and at the Department itself, the Secretary's Advisory Committee on the Rights and Responsibilities of Women (SACRRW) decided at its September, 1973 meeting to focus its attention on four high-priority areas. Its recommendations in these areas are summarized below.

Health

The SACRRW Health Subcommittee continued its study of national health insurance, with special attention to the ways proposals for various programs affect the special health needs of women. The Administration has proposed legislation on this subject and has made it a priority concern this year.

The Committee's major recommendations as to ways in which the Administration plan (CHIP) should be modified are as follows:

(1) The structure of the plan should be revised so that it does not place an undue burden on low-income women; the Committee feels that premium payments should not exceed 4% of the income; that employers should be required to offer coverage to "permanent" part-time employees; and that unemployed individuals should be immediately eligible for coverage without premium payments under the Government Plan.

(2) At least a minimal level of care equivalent to Medicare Part A benefits should be automatically provided to the elderly without premium payments.

(3) Care should be taken that there is no break in access to maternal/fertility and other coverage due to the complicated structure of the plan.

(4) It should specifically be stated that there should be no waiting periods for pregnancy coverage, and that maternal/fertility benefits should be provided without regard to age or marital status.

(5) All methods of fertility control, including contraception, voluntary male and female sterilization and abortion should specifically be covered.

(6) A flat cost limit on obstetric care should specifically be prohibited.

(7) There should be no co-payment or deductible for preventive services.

(8) Family planning clinics and other service centers which are not solo physicians, a group practice or a hospital should qualify as providers.

(9) The language of the legislation should be modified to eliminate sexist definitions, such as reference to a family as "an employee and his spouse."

In addition, the Committee feels that there is a great need for women in policy-making positions in health care, both in the public and private sectors. SACRRW recommends that:

(1) The Office for Civil Rights expand its program of reviews of health insurance companies and health service institutions, and vigorously enforce Executive Order 11246.

(2) A woman with broad knowledge about the issues of health care delivery and financing who can serve as an advocate of the special needs of women be recruited for a high-level position in the Office of the Assistant Secretary for Health.

Education

The SACRRW Education Subcommittee selected for study the regulations implementing Title IX of the Education Amendments of 1972, the statute which bans sex discrimination in educational institutions receiving Federal aid. The Department of Health, Education, and Welfare has had the primary responsibility for drafting the regulations, which deal with many complex issues, such as curriculum, athletics and housing.

The Committee's major recommendations with regard to the proposed Title IX regulations are as follows:

(1) Admissions to professional schools at private undergraduate institutions should be covered by the regulations.
(2) The "assurance" of compliance which must be presented to HEW's Office for Civil Rights should consist of an affirmative action plan.
(3) The Committee supports exclusion of curriculum from the regulations on First Amendment and academic freedom grounds.
(4) The effective distribution but not the source of endowed financial assistance should be covered under the regulations.
(5) An addition should be made to the present statement that equal expenditures for men's and women's athletic activities is not required, to the effect that, the needs of both sexes must be met in an equitable fashion, which may be reflected in expenditures.
(6) Extracurricular activities should be defined as including band, school newspapers, and other activities as well as athletics.
(7) Part-time employees should receive proportional fringe benefits.
(8) Employers should be required to make equal contributions *and* provide equal periodic benefits to both sexes in fringe benefit plans.
(9) In the section on pregnancy leave, the stipulation as to notification in writing should be deleted.
(10) Time limits should be set for all stages of an investigation of a complaint.
(11) The law should be revised to permit milder sanctions, such as a partial withdrawal of funds, upon finding discrimination.

Social Services and Welfare

The Social Services and Welfare Subcommittee has continued its examination of the social security system, as this has a direct impact on more women in the country than any other Federal program. It was also felt that given the prospect of the passage of the Equal Rights Amendment, inequities in the system based on the sex of the individual should be corrected immediately.

The Committee's major recommendations with regard to the inequitable impact of the social security system on married women are as follows:

(1) The Secretary should investigate the feasibility of a couple computing their benefits under a system similar to the income tax structure, allowing joint or individual returns.
(2) The Secretary should investigate the feasibility of allowing a wife who works for part of her life in paid employment to drop from her earnings record any year spent primarily in caring for dependents (these years are now averaged in as years of zero income).
(3) The requirement that in order to get disability payments the working individual must have at least 20 quarters of coverage during the 40-quarter period ending with the quarter the individual was disabled should be dropped.
(4) The Secretary should request cost estimates for proposals now pending in Congress and being considered by SSA officials to cover the services of the homemaker.

In addition, the Committee recommends that:

(1) The Secretary investigate the feasibility of forgiving FICA contributions for people whose income is so low they pay no Federal income tax.
(2) The various inequalities in the system which would have to be eliminated if the Equal Rights Amendment were passed be eliminated now.

The Department

The Administration and Fiscal Subcommittee chose to investigate "career ladders," i.e. advancement opportunities, for secretarial and clerical workers both because the Secretary expressed interest in this area, and because many secretaries in the Department were beginning to question whether sufficient affirmative efforts were being made on their behalf.

The Committee's major recommendations with regard to opening up opportunities for advancement for secretarial and clerical workers at HEW are as follows:

(1) The Secretary should specify a percentage goal for job vacancies to be filled from within the Department.
(2) The Secretary should investigate methods by which a specific number of job openings can be reserved for Upward Mobility candidates, including secretarial/clerical workers.
(3) Each bureau or office head should investigate the possibility of negotiating training agreements for secretarial/clerical workers with the Civil Service Commission.
(4) Each bureau legal office should establish paralegal positions; health agencies should investigate establishing paramedical positions.
(5) HEW employees in training programs should be required to prepare Employee Development Plans, and counseling should be available to them in this regard.
(6) In evaluating the performance of supervisors, heavy emphasis should be placed on achievements in counseling and advancement of secretarial/clerical workers.
(7) The Secretary should set up a "roundtable" at which WAP, FWP and other concerned agencies can discuss problems in this area informally.

(8) The Federal Women's Program should engage in thorough counseling of secretaries, including seminars on how to apply for new positions, seminars on jobs into which they may be able to move, and adequate circulation of information on openings that currently exist.

A more detailed discussion of the Subcommittees' concerns, and SACRRW's complete recommendations and analyses in these four priority areas, are presented in the following four sections of this report.

HEALTH
FOCUS ON NATIONAL HEALTH INSURANCE

Over the past several years there has been a growing awareness in this country that a system of national health insurance is both desirable and necessary. Some eighteen proposals for a form of national health insurance have been introduced into the 93rd Congress. In view of these developments, the Health Subcommittee decided at its November, 1973 meeting to address itself to the following:

(1) Ways in which the health needs unique to women are or should be covered under national health insurance.*

(2) Ways in which women's health and national health insurance is affected, and may in the future be affected by, the present structure of the health care industry.

In general, the Committee felt that certain substantive issues must be addressed by any national health insurance plan.

First, maternal and fertility-related services constitute the primary health care needs unique to women. They are so significant that they should be explicitly addressed in any national health insurance plan that is proposed or adopted.

Second, any national health insurance plan should assign a high priority not only to adequately financing a full range of services to meet women's health care needs, but also to adequate delivery of these services. Primary emphasis should be placed on preventive care for the woman and her child(ren). To this end, national health insurance legislation should encourage or provide for:

(1) re-allocation of resources (both money and personnel) toward services to prevent illness and maintain health,

(2) as comprehensive a range of health services as is economically feasible, with emphasis upon improved accessibility and availability of primary ambulatory care,

(3) the expansion of the health care team concept by a redistribution and/or increase in health care providers (allied health personnel as well as physicians),

(4) a process for monitoring and ensuring uniform standards of quality for all providers and consumers.

Third, women's health care services should be designed as an integral part of the total health care delivery system, and women should be assigned significant policy-making roles within that system. Any special program for women will fragment the system of care and dilute women's roles in the policy and decision-making process with respect to health care services in this country.

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*SACRRW's comparative analysis of the major bills with regard to specific needs of women was prepared with the assistance of Dr. Kay Keiser, Health Dynamics, Inc.

PENDING LEGISLATION

Four of the health care bills now before Congress are presently generating the most support: the Administration's "Comprehensive Health Insurance Act," the Long-Ribicoff "Catastrophic Health Insurance and Medical Assistance Reform Act," the Kennedy-Mills "Comprehensive National Health Insurance Act," and the Kennedy-Griffiths "Health Security Act." Under the Administration plan, health insurance would be made available primarily by private insurers through an individual's employer; the unemployed and others ineligible for "Employer Plans" could take out insurance under a "Government Plan" where costs would be related to income. The Long-Ribicoff and Kennedy-Mills bills call for the Federal government to serve as the insurer for everyone, reimbursing individuals much as private firms do now. The Long-Ribicoff bill, however, would limit coverage to "catastrophic," i.e. extremely expensive, medical needs, except for the poor who would receive broad benefits. The Kennedy-Griffiths bill would set up a national health program under which the government would pay for virtually all medical services directly.

SACRRW has examined the major bills with regard to the specific needs of women.

Structure of the Plan: Impact on Low-Income People and the Aged

It is widely known that working women are concentrated in the low-income strata of our society, averaging about $5,500 annually as opposed to $8,100 for all working people.[1] The median income for a female head of a family is $5,100, as opposed to $10,000 for a male.[2] Female unemployment rates also consistently exceed those of males,[3] and women are more likely than men to be involved in part-time work (two-thirds of all part-time workers are women).[4] The Committee is thus particularly concerned that comprehensive health care be available at an affordable cost to low-income people, part-time workers, and the unemployed, since women are disproportionately represented in these categories.

The Committee is especially interested in coverage of families whose annual income is less less than $7,000, since a majority of the 6.2 million families headed by women fall in this category (40% of female-headed families have an income under $4,000, vs. 10% of male-headed families; another 25% of female-headed families fall between $4,000 and $7,000, vs. 15% of male-headed).[5]

Under the Administration Comprehensive Health Insurance Plan (CHIP), coverage would in effect be universal for those in the lowest income bracket, which includes almost half the families headed by women, since no premium payments would be required for any family with an income of less than $5,000 a year (for a single person this floor is $4,500).

If income were above this floor, however, CHIP would require, in order to be covered, that the individual or family pay either 35% of the premium if s/he* qualified for an Employer Plan (with the employer picking up the rest), or 50% of the premium, if unemployed, working less than 25 hours per week, or otherwise opting for the Government Plan. The Administration estimates that the actual cost to a family in the $5,000 to $7,500 income bracket of CHIP coverage would be around $220 a year under an Employer Plan, and $310 under

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***s/he is used for she or he.**

the Government Plan. For many families in this income bracket, such a cost might turn out to be sufficiently high to discourage them from taking out coverage. (The same applies to an individual making between $3,500 and $5,250, who would have to pay $85 a year if employed, $125 if not.) Coverage would thus very likely fail to be universal among these families, families who can ill-afford to be without medical benefits. Furthermore, families in this category who do elect to pay these premiums will have to bear a far heavier burden for their coverage, relative to their income, than either those who make less, or most of those who make more than they do.

The two Kennedy health insurance bills, financed out of a 1% income tax and other revenues, would provide both cheaper and universal coverage to women (and others) in this low to middle income bracket. However, CHIP could be made more equitable and more likely to bring medical insurance to low-income people within its present structure if:

(1) Under the Government Plan it were stipulated that in no case should premium payments exceed 4 per cent of income, or a sliding scale of payments were set up which reflected that percentage.
(2) Employers were required to offer insurance to all employees, including part-time.
(3) Unemployed individuals were immediately considered to have an annual income of $0, and were thus eligible for free coverage under the Government Plan.

Women are also concentrated in another category: that of the aged. Due to their longer life span, women outnumber men in the older age groups in proportions which increase with each age cohort. Women compose 54% of the population above age 45 and 58% of those age 65 and over.[6] A plan of national health insurance which affects older citizens thus has its greatest impact on older women.

Any national health insurance program should at least maintain, and preferably expand upon, present Medicare coverage. Although three of the major bills would do this, provisions of CHIP may in effect reduce medical care coverage for certain of the elderly.

At present Medicare coverage is divided into two parts. Part A covers 90 days of hospitalization and 100 days in a nursing home and/or 100 days of care from a home health agency after leaving the hospital, annually. Coverage, financed out of the 1.8% Medicare payroll tax, is free and automatic provided the individual has worked a sufficient number of quarters to qualify. Part B covers physician's services, supplies, and home health care, for which the individual is required to pay a premium, presently $6.70 per month.

Under CHIP, these two parts would be combined. Benefits would be significantly improved: hospitalization would be unlimited, outpatient drugs would be included, and there would be a maximum annual liability of $750 per individual. However, coverage would not be free and automatic, but would rather require a premium payment of $80 to $90 annually (approximately the same as the Part B premium).

Low-income beneficiaries would be eligible for reduced premium payments and reductions in cost-sharing requirements (both Medicare and CHIP have a 20% co-payment feature). However, the Committee is extremely concerned that even with such reductions, many of the elderly could not afford to pay the necessary premium, and would be left without coverage of any sort. This would be true despite the fact that they had paid Medicare payroll taxes throughout their working years (this tax would continue to be used to finance CHIP's program for the elderly).

The Committee feels that comprehensive health care should be provided to the elderly without premium payments. However, if it is deemed that this will be too costly, the Committee recommends that at least a minimal level of benefits equivalent to current Medicare Part A benefits be provided automatically to the elderly under any program of national health insurance.

The Committee also feels that national health insurance for the aged should involve encouragement of use of home health services, which can frequently serve as an alternative to continued hospitalization or institutionalization. Both CHIP and the Kennedy-Mills provide for 100 days of home health care per year. The Committee recommends that provision for more extensive use of such help, particularly for the elderly, be included in legislation.

Finally, the Committee is concerned that the cost of prescription drugs for the elderly be covered in an equitable fashion, as they frequently have large expenditures in this category. The National Council of Senior Citizens has identified coverage of outpatient drugs as its number one priority.[7] Proposals have been made for Medicare (although they do not appear in the CHIP legislation) to limit coverage for drugs to the lowest cost at which the drug is generally available.[8] Such a limit might result in either extraordinary inconvenience or additional out-of-pocket expenses for many of the elderly. The Committee recommends that no such limits be enacted.

Eligibility for Benefits

There is ample documentation that maternal and infant morbidity and mortality, child neglect, child development including intelligence and learning ability, and health of parents, are all to some degree dependent upon access to maternal health and family planning services.[9] To be effective, however, maternal/fertility-related care must be continuous, with extensive attention paid to a woman's general health, as well as to episodic health needs like birth or abortion.

The Committee feels that the complexity of CHIP may lead to discontinuities in coverage. Confusion might occur, for example, should a woman leave or change employment; should she switch from full-time to part-time work; should she become married, separated, divorced or widowed and thus begin or cease to be covered through a husband's "Employer Plan;" or should she change her place of residence from one state to another, since individual states would have the option of offering increased benefits over basic federal requirements.

The Committee feels that to permit preventive care to be effective, there should be no break in access to maternal/fertility-related care due to change of employment, family status, residence or income class, or for any other reason, under a national health insurance plan, and urges the Department to review the structure of CHIP to insure continuous coverage.

The Committee also recommends that maternal/fertility benefits be provided withoug regard to age or marital status of the woman covered. The major national health insurance bills are not specific on this point.

Finally, the Committee feels that no waiting periods for pregnancy coverage should be imposed and recommends that language specifying this be incorporated into national health insurance legislation.

Extent of Benefits

Despite the importance of extensive maternal/fertility-related care and preventive services, neither CHIP nor the Kennedy-Mills bill specificly provides for payment for nonmedical aspects of maternity-related, well-child or family planning services (CHIP mandates only "maternity items and services"), although the Long-Ribicoff bill would mandate full payment for family planning, counseling service and supplies for low income families. Furthermore, many existing commercial insurance policies subject maternity expenses to a flat maximum payment for both medical-surgical and hospitalization expenses, despite the fact that they provide more flexibility for illnesses and injuries. Such limits may be incorporated into CHIP, which states that "[payment for] family planning and prenatal and postnatal items and services, and well-child care shall be subject to such limitations as the Secretary may by regulation provide."

The Committee recommends that all methods of fertility control, including contraceptive methods, voluntary male and female sterilization, and abortion, be covered. It further recommends that coverage of maternity care include prenatal and post-partum visits, complete infant care and infertility therapy. Finally, the Committee recommends that hospitalization for obstetric care be provided on a service rather than indemnity or "cost" basis; length of stay covered should be consistent with standards of quality established by such local organizations as the Professional Standards Review Organization (PSRO) and should take into consideration the mother's home environment. Exclusions for complications of pregnancy or associated medical-surgical conditions should be prohibited.

Preventive services under a national health insurance program in the area of maternal/fertility related care should also include health education and case finding programs (checkups and referrals at schools, social agencies, etc.).

The Committee also recommends that the Department encourage commercial insurance carriers to offer homemaker's services as a reimbursable item (coverage would be for the cost of someone to cook meals, change linens, etc. for a person too ill for self-help, but not requiring hospitalization). The cost-effectiveness of providing such services under national health insurance should also be investigated, especially for the elderly.

Cost-sharing Requirements

In general, co-payment for preventive services, such as family planning, immunization programs, pre-natal care, and cancer detection, acts as an effective barrier to these services being utilized, or places them low on the list of priorities for most seekers of health care. Under CHIP, preventive services are subject to a $150 deductible and a 25% co-payment for most people. However, the Kennedy-Mills bill exempts such services from the deductibles, and the other major bills call for no deductibles or co-payments at all. The Committee recommends that no co-payment or deductible for preventive services be required.

A similar argument applies to maternity/fertility-related pharmaceuticals (such as birth control supplies which are of a preventive nature). CHIP calls for a sliding scale of co-payments and deductibles on drugs for low-income people. Alternatively, the Kennedy-Mills plan would require co-payment of $1 on each drug prescription. The Committee recommends that maternity/fertility-related drugs and supplies be covered without co-payment or deductible to low-income women.

Providers

Sixty per cent of family planning patients in organized programs are currently being served in specialized clinics, as are many patients receiving well-baby, prenatal and other services.[10] However, the ability of current maternal and child health and family planning programs to continue to provide services may be adversely affected unless they qualify as "providers" of services under the various health programs. Of the major bills only Kennedy-Griffiths would include such specialized clinics under their rubric of approved providers.

The Committee feels that a national health insurance plan should state clearly that a service center which is not a solo physician, a group practice, or a hospital may qualify. In particular, the maternal and child health and family planning programs which have arisen since 1967 through the use of categorical grants should be allowed to qualify as "providers."

Although it is recognized that categorical grant programs (under Title X, Public Health Service Act of 1970, Maternal and Child Health Formula Grants to states and Project Grants under Title V of the Social Security Act) will be replaced by national health insurance, the Committee feels it important that this shift be accomplished in such a way that there is no reduction in services in the interim period.

The Committee is also concerned that in addition to providing reimbursement for medical services, a program of national health insurance encourage adequate delivery of health care. Development of Health Maintenance Organizations (HMOs) may be one of the most promising ways of bringing this about. An HMO (which offers enrollees the entire range of diagnostic, physicians, nurses, specialists and hospital facilities and services) can provide services comparable to those offered under a major medical plan for a lower cost. This cost reduction is dependent upon a more cost-effective utilization of health care facilities and providers. The design of the HMO is such that these cost savings can be used to provide a more comprehensive benefit package.

HMOs are quite supportive of the special needs of women, as the broad benefit packages HMOs are offering include coverage for such services as family planning and preventive care.

Both CHIP and the Kennedy-Mills bills offer the individual or family the option of enrolling in an HMO, if one is available in the local area (under CHIP employers and the government would be required to pay the same percentage of HMO premiums as they would of other types of health insurance).

The Committee strongly supports inclusion of HMOs in national health insurance as approved providers and as a required option.

The Committee also supports the inclusion of certified home health care agencies as approved providers in national health insurance, as is now the case in the CHIP and Kennedy-Mills bills.

The Committee recommends that providers of maternity/fertility-related care should be reimbursed at actual cost, as is now done with Medicare, as opposed to specifying fixed rates of reimbursement for particular services.

Language

There is a need to modify the language of existing pending legislation. The Committee recommends the language of CHIP should be thoroughly reviewed for such limited definitions as appear. For example, reference should not be made exclusively to a "family" as . . . "an employee and his spouse: . . . "an individual and his spouse", etc. Employees should not be referred to as "he." This, and all other legislative language can be modified to incorporate the concept of a female head of household or a female employee through whom family coverage is acquired.

WOMEN IN POLICY-MAKING POSITIONS IN HEALTH CARE

Private Sector

Even before passage of any national health insurance, women should be placed in policy and decision-making positions in health care institutions. A special effort should be undertaken to place women on insurance company boards, Blue Cross/Blue Shield boards, hospital boards, and on the governing bodies of other institutions which dominate the present health care delivery system. At present, few women are in important positions in this field.

For example as of data reported to the Equal Employment Opportunity Commission (EEOC) in 1970, the insurance industry, whose employees are 55% female overall, indicated that only 11% of its officials and managers were women, while 90% of its office and clerical help was female.[11] Medical and other health service institutions reported 80% female employees in 1970. Although the picture looks somewhat brighter here with regard to representation of women in upper level positions–56% of those classified as officials and managers and 85% of professionals were female–it seems likely that these figures reflect the large number of nurses (who are generally not in top policy-making positions) in these categories.[12] Again, over 90% of these institutions' office and clerical workers were female.

HEW's Office for Civil Rights (OCR) has delegated to it by the Office of Federal Contract Compliance in the Department of Labor the responsibility for enforcing equal employment at all insurance companies, hospitals, and other medical, health and social service facilities holding government contracts. OCR presently oversees employment practices at some 2300 offices of 200 insurance companies, and at over 1500 health service institutions. OCR conducted approximately 200 reviews of insurance offices, and 30 reviews of health service institutions last year. Given the present concentration of women in low-level positions, the Committee strongly recommends that OCR expand its program of review of insurance and health care industry employment practices, and vigorously enforce the provisions of

Executive Order 11246 prohibiting discrimination on the basis of sex in employment for all employers holding Federal contracts of $10,000 or more.

The Committee also feels that the OCR should make all possible positive efforts to encourage equal treatment of women in the operations of the institutions under its jurisdiction. Underwriting manuals, agent's promotional materials, training guides, etc. should be reviewed. The Committee also recommends that health insurance policies be reviewed for such discriminatory practices as denial of full coverage for pregnancy and its complications, and failure to offer child care and homemaking services (in the event of illness) as an insurable benefit.

Government Sector

The need for women in policy-making roles at DHEW is equally acute. In the Office of the Assistant Secretary for Health, for example, the proportion of women decreases dramatically at upper grade levels (Grade 13 represents a salary of $20,677 a year).

EMPLOYMENT OF WOMEN IN THE OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Grade	Females	Males	Women as % of Total
13	39	120	25%
14	18	99	15%
15	9	68	12%
16	1	6	14%
17	0	3	0
18	0	2	0
Total	67	288	19%

Similarly, looking at all health agencies in the Department, of the nearly 1400 employees at GS-15 and above only 134 of them—less than 10%—are women. In contrast, over 60% of the Department's employees overall are female.

The Committee feels that there exists an immediate need to place women in policy-making positions in the Office of the Secretary nationally, and at comparable strategic positions at the regional and state level. At the same time, the Committee is concerned that women who are promoted to higher grade levels not be considered token representatives responsible for interpreting the needs of women exclusively.

The Committee specifically recommends that in the Office of the Assistant Secretary for Health, a woman with a broad knowledge about the generic issues of health care delivery and financing, who can serve as an advocate of the special health needs of women, be recruited for a high-level position immediately.

FOOTNOTES

1. Office of Management and Budget, *Social Indicators, 1973,* U.S. Government Printing Office, Washington, D.C., p. 146.
2. *Ibid.*, p. 177.
3. *Ibid.*, p. 137.
4. *Ibid.*, p. 144.
5. *Ibid.*, p. 180.
6. *Ibid.*, p. 255.
7. *Senior Citizens News,* Vol. 3, No. 142, June 1973, p. S4.
8. Cruikshank, Nelson H., "Statement to the Subcommittee on Health of the Elderly of the Special Committee on Aging," U.S. Senate, March 12, 1974.
9. Berch, H., "Malnutrition: Learning and Intelligence," *American Journal of Public Health* 62:773-784, 1974, and Leeberman, E. J., "Preventive Psychiatry and Family Planning," *Journal of Marriage and the Family* 25:471-477, 1964.
10. "Resolution on National Health Insurance," 2nd Annual Meeting of the National Family Planning Forum, Washington, D.C. April 7-10, 1974, p. 4.
11. Equal Employment Opportunity Commission, *Equal Employment Opportunity Report 1970: Job Patterns for Minorities and Women in Private Industry, Vol. 1,* p. 515.
12. *Ibid.*, p. 582.

EDUCATION
FOCUS ON TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Discrimination in education is one of the most serious injustices women may suffer, as it denies them not only equal educational opportunities but also equal employment opportunities.

With the passage of the Education Amendments of 1972, a ban on sex discrimination in any educational program or activity receiving Federal financial assistance was enacted into law. In June, 1972, the Department of Health, Education, and Welfare (DHEW) began drafting regulations to implement Title IX of this Act, in which sex discrimination is prohibited.

DHEW's proposed regulations were published in the *Federal Register* on June 20, 1974. The time and care taken in developing these regulations are a direct result of the many complex and difficult issues they address, including admissions, curriculum, athletics, fringe benefits, compliance procedures, coverage of private groups, employment, financial aid, housing, and course offerings, to name a few. The Department will take comments on them from all interested parties until October 15, 1974, and then will promulgate the final regulations.

The Secretary's Advisory Committee on the Rights and Responsibilities of Women (SACRRW) Education Subcommittee made the Title IX regulations its priority concern in 1974, and the Committee's activities during the year with regard to the drafting of the regulations are enumerated on pages 5-6. The Committee considers it appropriate at this time to reiterate several recommendations which it has made previously, but which have not been written into the proposed regulations, and to discuss its positions on areas in which HEW specifically seeks comment during the public comment period. SACRRW will present its final set of recommendations to the Secretary toward the end of the comment period, after regional briefings and dialogue with women's organizations.

SACRRW's major recommendations with regard to the regulations implementing Title IX of the Education Amendments of 1972 are as follows. (The issues are dealt with in the order in which they appear in the proposed regulations, 45 CFR Part 86.)

Definition of Professional Education

Section 901(a)(1) of the Education Amendments lists the types of institutions which are prohibited from discriminating on the basis of sex in admissions. Among them are those providing "professional education;" however a definition of "professional education" is not included in the statute nor in its legislative history. Since private undergraduate institutions are not covered under the statute, the proposed regulations have interpreted the law as not applying to admissions to professional education programs at private undergraduate institutions.

It is the Committee's understanding that the intent of this legislation was to eliminate discrimination in admissions to programs which prepare individuals for professional employment. The Committee is particularly concerned that programs of study in such areas as engineering, teaching and architecture be covered by the regulations. It therefore recommends that Section 86.2(m) (page 34) of the proposed regulations be changed to read:

> *Institution of professional education* means an institution or subdivision thereof which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the United States Commissioner of Education.

And further Section 86.2(n) be changed to read:

> *Institution of vocational education* means a school or institution which has as its primary purpose preparation of students to pursue a technical, skilled, or semi-skilled occupation or trade, or the pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers full-time study.

Although some private colleges have expressed concern that the inclusion of private undergraduate professional programs under the regulations would result in inclusion of their entire liberal arts program, the Committee believes that the stipulation as to a program leading to a first professional degree for which there is an accrediting agency should alleviate this concern. The regulations would then be consistent with, and could be administered similarly to, DHEW's policy under Title VII and VIII of the Public Health Service Act, which prohibits sex discrimination in admissions to health training programs in private undergraduate institutions receiving funds under the Act. In conforming to the Public Health Service Act regulations, at least one school, Texas Women's University, has established a separate administrative unit for its nursing school to admit both women and men, while admissions to all other programs are open only to women, thus demonstrating that an entire school's program need not be affected.

Affirmative Action Plans

Section 86.4 (page 36) of the regulations stipulates that every applicant for Federal financial assistance in education shall provide an "assurance" satisfactory to the Director of DHEW's Office for Civil Rights (OCR) that its program or activity complies with the regulations on sex discrimination. Since the regulations provide for remedial action with regard to past discrimination, and affirmative action to bring about equality in the future, the Committee recommends that as its "assurance" the Department require applicants to file an affirmative action plan with the Director of OCR. This plan would have two parts:

(1) an affirmative action plan for employment, which would be the same as that which educational institutions with Federal contracts are now required to file with HEW's Office for Civil Rights (OCR)
(2) an affirmative action plan for admissions and any educational program or activity, including the elimination of sexist material in curricula.

At this time the recipient is not required to file an affirmative action plan as its assurance, although there is nothing in the law that prohibits such a requirement.

Curriculum

Section 86.34(a) and (c) (page 51) of the regulations prohibits discrimination on the basis of sex in access to courses, and prohibits use of appraisal and counseling materials which treat students differently on the basis of sex. However the regulations do not deal with sex discrimination in textbooks and course materials.

The Committee is cognizant of sex-role stereotyping in textbooks and deplores sex-role stereotyping in curricula. However the Committee also recognizes that for DHEW to determine the curricula which may be taught in schools raises serious problems concerning the First Amendment and academic freedom.

The Committee is therefore opposed to include a statement on curricula in the regulations, and supports the Department's position described on page 16 of the Preamble. However, the Committee also believes that the Department has a responsibility to work with educational institutions and publishers to eliminate sex discrimination in textbooks, films and all other educational material, and feels that elimination of sex-role stereotyping should be a Departmental priority.

In addition, all agencies which deal with educational institutions and curriculum materials should make reference to non-discrimination in education programs and activities, with reminders of the coverage of Title IX of the Education Amendments of 1972 and Title VII and VIII of the Public Health Service Act.

Endowed Financial Assistance

Section 86.35(a) (page 52) of the regulations, which deals with financial assistance to students, prohibits recipient schools from limiting eligibility for aid "which is of any particular type or source" on the basis of sex. This provision prevents an institution from accepting or using endowed funds for scholarships if they are restricted to members of one sex.

The Committee is concerned that this regulation might force educational institutions to reject or abandon certain endowments, or engage in lengthy court proceedings when in fact administrative mechanisms might be developed which would allow the schools to use those endowments in a non-discriminatory fashion. For example, the school could decide who was to receive financial aid in a centralized, non-discriminating financial aid program. Subsequently, a male or female student from this pool could be assigned to receive scholarship aid from an endowment, the donor of which had specified that the recipient be of a particular sex.

The Committee's primary concern in this area is that recipients of financial aid be chosen in a non-discriminatory fashion, and it feels that this is covered adequately by other provisions of the regulations. The Committee therefore recommends that the words "or source" in Section 86.35(a) be deleted, and recommends that a statement explaining that where endowed funds are restricted to members of one sex, said funds must be administered as a part of a non-discriminatory aid program, be included.

Athletics

Section 86.38 (page 55) sets out the provisions for non-discrimination in athletics. There are several areas under athletics which the Committee would like to address.

First, if a school operates or sponsors separate teams for members of each sex, Section 86.39(e) states "that it shall not discriminate on the basis of sex therein in the provision of necessary equipment or supplies for each team." The Committee recommends adding the following categories to this list: scheduling of games and practice times, opportunity to receive coaching and instruction, assignment of coaches and instructors, provision of medical and training facilities and services, publicity, or otherwise discriminate on the basis of sex.

Second, a major problem in educational institutions providing athletics for women is the lack of funding available to women's sports. One reason institutions of higher education give for this is that men's athletic programs are primarily funded from gate receipts from varsity football games. In most institutions, however, students' activity fees also subsidize the cost of students' tickets and intramural sports programs.

To alleviate the problem of lower financial support for women's intra-mural and extra-mural sports, the Committee recommends that a statement be added to Section 86.38(f) which now states that "nothing in this section shall be interpreted to require equal aggregate expenditures for athletics of each sex." The addition would read, "however, a recipient must provide equipment and supplies, travel and per diem allowance, facilities, etc. in an equitable manner which could be reflected in the number of dollars spent relative to the interest and involvement of the participants."

Extra-curricular Activities

Section 86.38 (page 55) of the regulations covers only athletic programs, and excludes other extra-curricular activities from coverage.

The Committee recommends that Section 86.38 be expanded to include "other extra-curricular activities" and that a subsection be added prohibiting discrimination on the basis of sex in activities such as band, school newspapers, dramatics, etc.

Fringe Benefits for Part-time Employees

An area of great importance to women is part-time employment; according to the Federal Office of Management and Budget, women constitute two-thirds of the part-time work force. The Preamble to the education regulations states that Section 86.46 on fringe benefits (page 61) will be interpreted "to require, where an institution's female permanent employees are disproportionately part-time or its permanent part-time employees are disproportionately female, and the institution does not provide its permanent part-time employees fringe benefits proportionate to those provided full-time employees, that the institution demonstrate that such a manner of providing fringe benefits does not discriminate on the basis of sex." "Permanent" would refer to any employee who has worked or is expected to work at least half-time for one academic semester. The Department is seeking comment on the implications of requiring all institutions to provide permanent part-time employees fringe benefits proportional to those offered full-time employees, regardless of the relative composition of a particular institution's part-time and full-time work forces or the ratio of part-time to full-time employment among its female employees.

The best example of a large institution which offers pro-rata fringe benefits for its permanent part-time employees is the Federal government, which provides them full health insurance, as well as sick leave, annual leave and retirement benefits proportionate to the amount of time worked. Among educational institutions, Princeton and Harvard Universities also provide fringe benefits to their part-time employees.

The Committee recommends that part-time employees, meaning those employed at least one-half the full-time base, receive proportional fringe benefits.

Fringe Benefits—Pensions and Insurance

Section 86.46(b)(2) (page 61) of the regulations states that "a recipient shall not administer, operate, offer or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex." The main concern of the Department in drawing up this regulation is with pension plans; the either/or option derives from the factor that women on the average live longer than men. Thus as written, an educational institution would have the option of providing all employees making the same salary either (1) the same monthly pension payment—in which case it would have to contribute more to the female's pension plan, since females live longer, or (2) the same contribution to the pension plan—in which case females would receive smaller monthly payments, since they are expected to live longer. The Office of Federal Contract Compliance (OFCC) also presently calls for either equal periodic benefits or equal contributions, in its regulations. However the Equal Employment Opportunity Commission (EEOC) demands that there simply be no discrimination in benefits on the basis of sex, and does not allow the second option in its regulations.

Although the Committee orginally favored the EEOC position as the one which treated women most fairly, it has since come to favor a third option, that of eliminating the use of sex-based mortality tables entirely. Many factors, including race, sex, income, age, smoking habits, and family medical history, can be used to predict an individual's life expectancy. Prior to the 1940's, race was one of the factors considered in computing an individual's insurance rate. However, at present in computing group insurance premiums all variables except sex and age are usually ignored.

The Committee considers distinctions based on sex in such a context to be no more legitimate than distinctions based on race, and believes they should not be permitted. Risk should instead be divided equally regardless of sex among all members of a group, resulting in a single payment schedule and a single benefit schedule.

The Committee therefore recommends that Section 86.46(b)(2) be revised to call for equal periodic benefits *and* equal contributions in fringe benefit plans, as this is the only option void of discrimination on the basis of sex.

Pregnancy Leave

Section 86.47(e)(1) (page 63) of the regulations stipulates that a recipient institution shall not require any employee to "begin leave related to pregnancy so long as the employee's physician certifies in writing that she is physically capable of performing her duties provided that a pregnant employee shall notify her employer in writing of her expected date of delivery, at least 120 days prior to such date." The members agree that the employee should be allowed to work until her physician says she is unable to continue. However, it is unclear how the stipulation that the pregnant employee notify her employer in writing four months prior to delivery date serves any relevant purpose or does anything but provide potential for discrimination.

The Committee recommends the deletion of the notification requirement in the last half of the statement.

Procedures

Subpart F (pages 65-80) of the regulations outlines procedures to be followed in complying with the regulations.

One area of concern to the Committee is the establishment of time limits on OCR procedures, to insure against unreasonable delays in acting on complaints. The regulations have established time limits for the initial filing of a complaint, and for the recipient school or institution to file exceptions to the findings. However, they do not establish time limits for initial investigations by the Department, or for informal negotiation between the complainant and the educational institution.

The Committee recommends that time limits be set for all stages of an investigation.

The Committee is also concerned that a sufficient number of compliance reviews be conducted. The Director of OCR should set a specific goal for enforcement. The Committee recommends review of 20% of the recipient institutions each year.

Sanctions

Section 86.63 of the regulations sets out the enforcement procedures which may be invoked in order to effect compliance. The only sanctions spelled out in this section, however, are the suspension or termination of, or refusal to award or continue, Federal financial assistance.

These sanctions alone, as the experience of the OCR has shown, are not likely to be highly effective. OCR, which with regard to Federal contract holders can similarly only suspend, terminate, or refuse to award funds, has in fact never terminated a single contract after finding discriminatory practices. It appears that the breaking off of a financial relationship is a large enough step, that an enforcing agency is extremely reluctant to go ahead with it.

The Committee therefore recommends that milder sanctions be available, so that some sanctions may be applied as soon as a problem has been identified. Such sanctions might include a reduction in funds, as opposed to complete withdrawal. Since such a change would be beyond the scope of the regulations, the Committee recommends that the Department propose a legislative change amending Title IX to allow for such sanctions.

SOCIAL SERVICES
FOCUS ON SOCIAL SECURITY

Financial security in old age is something which is a concern of everyone; but it is of particular concern to women since on the average they survive longer and have more limited financial resources. It is therefore extremely important that women be treated in an equitable fashion under the Social Security Act.

The Secretary's Advisory Committee on the Rights and Responsibilities of Women (SACRRW) Subcommittee on Social Services and Welfare for the last two years has been examining the provisions of the Social Security Act with regard to their treatment of women. The Subcommittee has given special attention to the ways the Act affects married working women, whose numbers have greatly increased since the Act was passed in 1935, and has examined alternatives to the present system in this area. In anticipation of passage of the Equal Rights Amendment to the Constitution, the Subcommittee also has examined the Act for ways in which it treats men and women differently in other areas.

WORKING MARRIED COUPLES

The sharing of financial, household and child care responsibilities between both partners in a marriage is a trend that the social security system must acknowledge and take into account. With widening opportunities for promotion for women, and establishment of child care centers, it is no longer true that the husband is always the "prime" wage earner in a family and that the wife always drops out of, or never enters, the labor market in order to raise children.

In consequence, the number of women receiving social security benefits as retired workers multiplied twenty-fold between 1950 and 1971, while the number of retired men beneficiaries rose less than sixfold in the same period.[1] By 1967, 39% of the married women beneficiaries and 52% of the widowed beneficiaries were receiving benefits on their own earnings record.[2]

The Social Security Act was amended in 1939 to strengthen protection for families by providing benefits for the dependents and survivors of insured workers. At that time, to avoid detailed investigation of family financial relationships, the decision was made to base dependency determination on the then generally accepted assumption that a man is responsible for the support of his wife and children. However, a change in the number of women workers with a husband present in the labor force from 15% in 1940,[3] to 41% in 1971,[4] has focused more attention on two-income families.

In reviewing the impact of the provisions of the Social Security Act, the Committee has found several areas in which, due to the structuring of the Act around traditional work patterns, the Act has an inequitable impact on married working women. These areas are: computation of working married couples benefits, determination of the earnings record, and disability requirements.

Computation of Benefits

At present, each member of a couple receives hir* own social security payment. For the husband, the amount isbased on his income; however the wife may elect to receive either an amount based on *her* income or half her husband's benefit.

In practice, many married women who work outside the home have elected to take the benefit based on their husband's earnings, since it would be higher than the benefit based on their own earnings record. One obvious reason for this is that women have traditionally been paid lower wages, and thus have a lower retirement benefit. However, another is that for women who work for pay during only a part of their lives, the time spent in home care activities diminishes the amount of benefits they would be entitled to on their own earnings record, since a number of years of zero income are averaged in to it.

The result is that many married working women receive no more benefits at retirement age than they would if they had worked only in their own home.** For instance, if a husband had average monthly earnings of $700, and received a benefit of $380.20, a wife who never worked under social security would get a wife's benefit of $190.10 at age 65. If the same wife had worked and contributed to social security, and it was calculated that she had average monthly earnings of $200, she would be entitled at age 65 to a benefit of $171.40 plus an additional wife's benefit of $18.70, for a total benefit of $190.10–the same as if she had not worked or contributed at all.

The situation is aggravated to the extent that a wife receiving a retirement benefit is entitled to a "supplementary" benefit only when her husband's average earnings are at least three times as large as hers. Moreover, if the wife earns more than her husband, he is not entitled to a secondary benefit unless there is proof that his wife provided half his support.

Proposals to improve the social security benefits received by working married couples have been made by the Social Insurance and Taxes Committee of the President's Commission on the Status of Women;[6] by the President's Task Force on Women's Rights and Responsibilities;[7] by the Women's Action Program of DHEW,[8] and by Congresswoman Martha Griffiths in H. R. 1507.

The various proposals suggest calculating a couple's primary insurance amount (PIA) on the basis of the couple's combined earnings, crediting each spouse with half of their combined earnings during every year of their marriage, and/or a PIA calculation based on each person's individual earnings.

The 1971 report of the HEW Advisory Council on Social Security also studied this area. Although it did not recommend any change in the present law, the Council did propose that the Congress consider a system whereby the earnings of a husband and wife in each year would be combined and credited up to the maximum earnings creditable for the year, with the couple's benefits based on these earnings.[9]

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*hir is used for his or her and him or her.

**One social security benefit that a working woman in covered employment does have, that a woman who has worked only in her own home does not, is insurance for herself and her dependents against loss of her own earnings due to disability or death.

Last year SACRRW recommended that social security benefits be computed using a system similar to the income tax structure, where the couple has a choice of filing a joint return or individual returns. This proposal, whereby the couple would have the option of figuring benefits on the basis of each individual's earnings record *or* by taking 150% of the benefits allowed on their combined income, would take care of the inequity created between working married people and married couples where only the husband worked outside the home. However, it would set up an inequity between single and married people, since single people do not have the option of combining their income with another person's. (Of course, another inequity exists in the present system, since single people are not eligible for dependent benefits.)

Earnings Record

Another area with which SACRRW is concerned is that of computation of benefits for women who drop out of the labor force for a period of time, as women frequently do when they have children.

Currently, benefits are figured on a career earnings average, allowing only five years to be dropped from the earnings record. Thus a woman who worked prior to the birth of her first child, left the labor market for 20 years until the last child was off to school, and then returned to the labor market and continued working until retirement age, would be regarded as having 15 years of zero earnings.

Last year the Committee recommended that the computation of benefits be changed so that the highest five or ten years of covered employment be the basis for computation of benefits. However, the Committee realizes that this would be a costly change in the social security system. It therefore feels that if such a change cannot be implemented, an acceptable alternative would be to allow a person to drop from the earnings record any year spent primarily in caring for dependents.

Disability Requirements

A third problem for many married women is the present requirement for qualifying for disability benefits. Disabled men and women must meet the same test for receiving benefits: an individual disabled after the age of 31 must be (1) fully insured and (2) have at least 20 quarters of coverage (five years of work) during the 40-quarter (ten year) period ending with the quarter the individual is disabled.

Again women who leave the labor market for a short period to stay home until their young children are in school are greatly affected by this requirement. Should the temporarily nonworking woman who met both tests for disability at the time she left work subsequently become disabled, not only could no disability benefits be paid even if she were permanently fully insured, but her disabled condition would prevent her from ever again acquiring disability-insured status.

The Committee recommends eliminating the 20/40 disability requirement.

Homemaker Coverage

Another option for alleviating the working married couple problem, the earnings record problem, and the disability requirement problem in a way which would take account of the traditional work pattern of women, would be to cover the homemaker. Last year, the Committee recommended that the Social Security Administration report to the Secretary its findings on its pending studies on the coverage of homemakers, for housekeeping, child care and other services provided. To date this report has not been made, as cost estimates have not been developed for any proposals which have been introduced in Congress or discussed in the Social Security Administration.

The Committee recommends that the Secretary request cost estimates on proposals now pending in Congress as well as those being considered by SSA officials, in order to assess the feasibility of any one of the recommendations. The Committee further recommends that an equitable way be found of recognizing the contribution of the homemaker, and of covering hir for the value of services provided, with regard to social security, disability and survivor benefits.

LOW INCOME PEOPLE

Many working wives, and many of the rest of working women are among the more poorly paid people in the workforce. The median income for working women is around $5,500 while the median income for the workforce as a whole is over $8,100.[10]

The Federal government has decided that wage-earners in poverty-level income brackets should not have to pay any income tax. However at present, except for farm and domestic workers, who must work a certain amount of time for one employer before FICA deductions are required, social security deductions are made from all covered workers' salaries beginning with the first dollar earned.

In order that the "working poor" be able to assist themselves to the greatest possible extent, the Committee recommends that the Secretary investigate, for any wage-earner whose income is so low s/he* need not pay income tax, the feasibility of forgiving social security (FICA) deductions also. The employer's contribution for such individuals should not be included in any such forgiveness, however.

DISCRIMINATORY PROVISIONS

With passage of the Equal Rights Amendment to the U.S. Constitution increasingly probably in 1975, the Committee believes that the Department should make elimination from social security of discriminatory provisons against women a priority concern during fiscal year '75.

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*s/he is used for she or he.

With the recent appointment of the Social Security Advisory Council, this year is an opportune time to correct the inequities that do exist in the law.

The Committee's specific recommendations with regard to elimination of sex discrimination from the Social Security Act follow.

Dependency Requirement

A wife or widow is presumed or "deemed" dependent on her husband; she can become entitled to benefits on his social security account without regard to whether she actually suffers an economic loss because of his retirement, death or disability. A husband or widower, however, must show that he was dependent on his wife for at least half his support before monthly benefits can be paid to him on her social security account. Thus women, paying the same social security tax rate, may gain less benefit for their families than men do.

Representative Jonathan Bingham has just introduced a bill, H.R. 15391, which would allow men to qualify automatically for social security benefits based on the higher benefit–his or a spouse benefit from his wife's earnings. Further, the recent decision of the U.S. Supreme Court that struck down the provisions of the military compensation statutes which required married servicewoman, but not married servicemen, to prove that their spouses are actually dependent upon them before being granted special housing and medical allotments, can be used as a precedent for making a similar change in the social security system.[11]

The Committee recommends that legislation be proposed which would provide benefits to husbands and widowers of women workers (retired, disabled and/or deceased) under the same conditions that they are provided to wives and widows of men workers (it would then be assumed that a husband was dependent upon his wife unless his own benefit were higher than his benefit as a spouse or widower).

The 1971 Advisory Council on Social Security in its report to the Secretary pointed out that if a system involving such conditions for husbands and widowers to qualify for benefits of women workers were instituted, then among those who would newly become eligible for benefits would be husbands who worked in non-covered employment, i.e. Federal and certain state and local governments, who in most cases would not be dependent on, or even make less than, their wives.[12] Allowing them to collect could prove very costly to the social security system, and would result in husbands in this group being able to collect "double" benefits.

The Committee therefore recommends that an equitable way of dealing with individuals in this group be found, such as requiring government employees to choose either government pension benefits or social security spouse's benefits.* (The Committee would also like to point out that this "double benefit" problem now exists for wives, and may assume increasing importance as women move into better-paying positions in government.)

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*This should not be construed as affecting surviving widow or widower benefits under either government pension plans or social security.

Benefits for Fathers

Benefits are now provided to a retired or disabled worker's wife, or a deceased worker's widow or divorced widow, who has in her care a child of his entitled to social security child's insurance benefits, provided she does not have substantial earnings from work. Similar benefits are not provided for husbands, widowers or divorced husbands, who have in their care a child similarly entitled to social security child's insurance benefits. In a recent New Jersey case, Stephen Wiesenfeld vs. Secretary of HEW, the U.S. District Court found that this provision of the Social Security Act violated the 5th Amendment.[13] The decision is currently being appealed.

The Committee believes again that legal equality must be provided by the Social Security Act. Therefore, the members recommend that benefits be extended to husbands, widowers, or divorced husbands of a retired, disabled or deceased working woman, who have in their care a child of hers entitled to social security child's insurance benefits, provided he does not have substantial earnings from work.

Provision Relating to State Community Property Statutes

In Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Puerto Rico, the presumption under law has been that management and control of a business is vested in the husband, even if the wife actually has management and control of the business. To assure that a wife in such a "community property" state would have the same creditable earnings under the social security program as if she were in a non-community property State, the Social Security Act provides that all income from a business will be treated as the income of the wife if she exercises all of the management and control of the business or trade.

Washington, Arizona and New Mexico have already changed, or are in the process of changing, their community property laws to provide equal treatment of men and women to conform to the Equal Rights Amendment. The change being made is to substitute the word spouse for husband so that the law reads, "the spouse who solely manages a community business may. . ."

The Committee recommends that until all the community property states change their statutes to conform to the Equal Rights Amendment, the special provision of the Social Security Act on this subject not be eliminated.

Marriage of Childhood Disability Beneficiaries

When a person over age 18 who is getting social security benefits based on a disability that began before age 22 marries another social security beneficiary, both continue to receive their benefits. However, if a male childhood disability beneficiary marries, the continuation of his wife's benefits is subject to his remaining entitled to his benefits. Thus if this male childhood disability beneficiary recovers from his disability, his wife's social security benefits terminate. If on the other hand, a female childhood disability beneficiary marries a social security beneficiary and she recovers from her disability, her husband's benefits continue.

Due to the inability of the disabled person, whether they are the wife or husband, to be a wage earner while disabled, the Committee recommends that benefits be continued based on the individual's own health status, whether male or female.

Marriage of Disability Insurance Beneficiaries

As in the marriage of childhood disability beneficiaries, the marriage of disability insurance beneficiaries does not affect either's eligibility for receiving hir own benefits. However, if a disabled male fully recovers from his disability, then the female and the male both loose their benefits. If the situation is reversed and the disabled female recovers, the husband's benefits are continued.

Due to the inability of the disabled person, whether the wife or husband, to be a wage earner while disabled, the Committee recommends that benefits be continued for disabled workers, be they male or female.

Benefits for Divorced People

Benefits are now provided for aged or disabled divorced wives and widows whose marriages lasted at least 20 years. Similar benefits are not provided for husbands or widowers who are aged or disabled. Even though few men would seek benefits under this provision since the majority of men receive benefits on their own working record, the members believe that legal equality must be provided by the Social Security Act. The Committee therefore recommends that benefits based on a man's former wife's earnings be extended to aged or disabled divorced husbands and widowers whose marriages have lasted at least 20 years.

The Committee also feels that some equitable system needs to be set up to deal with the increasingly large number of marriages which last less than 20 years. The Committee recommends consideration of a "credit system" which would allow qualifying quarters to be divided equally between a wage-earner and a dependent spouse upon termination of a marriage.

Remarriage of Widows and Widowers Before Age 60

Last year the Committee looked into the coverage for widows and widowers who remarry. Under the law presently, widows and widowers who already draw on their deceases spouse's earnings are allowed to continue to draw if they remarry, if they are over the age of 60. If a widow marries before age 60, she may not draw benefits on the deceased husband unless she is again unmarried at the time she applies for the benefit. However, the widower does not have this option, as he must not have been remarried at all by the time he applies for widower's benefits.

The Committee members recommend that widowers be treated the same as widows with respect to remarriage before age 60.

Special Payments for Certain Uninsured Individuals Age 72 and Over

In 1966 special payments were allowed for certain people who reached age 72 before 1972 but who had not worked long enough in jobs covered by the social security program to quality for regular monthly cash benefits. The amount of this special payment for a couple is $58 for the husband and $29 for the wife. To provide equality in payment, the Committee recommends that the special payment for a couple be divided equally between the husband and wife since both must meet the same eligibility requirements.

Benefits under Special Transitional Insured Status

Certain wives and widows who had attained age 72 before 1969 were made eligible for benefits with fewer quarters of covered employment under the 1965 amendments to the Social Security Act. However, no such benefits were provided for husbands or widowers. The Committee recommends that the same provisions that are provided for wives and widows who attained age 72 before 1969 be provided to husbands and widowers.

Retirement Benefit Eligibility and Benefit Amount

Included in the 1972 Social Security Amendments was a provision to shorten the number of years a man must have been working in covered employment to be eligible for retirement benefits to make it the same as that required for women. The change is to take place in three steps; thus only those men who reach age 62 in 1975 or later will benefit from this change. The cost of extending the amendment to all men reaching age 62 before 1975 made an immediate equalization unreasonable. The Committee supports making eligibility for retirement the same for men and women reaching 62 in 1975 or later.

FOOTNOTES

1. Bixby, Lenore, "Women and Social Security in the U.S.," *Social Security Bulletin,* September, 1972, p. 6
2. Lauriat, Patience, Office of Research and Statistics, Social Security Administration, "Social Security Benefits for Older American Women," paper delivered at Research Conference on Women and Social Security, International Social Security Association, Vienna, Austria, November 2-4, 1972, p. 11.
3. Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor, *1969 Handbook on Women Workers,* p. 26.
4. Bureau of Labor Statistics, U.S. Department of Labor, "Marital and Family Characteristics of the Labor Force," *Special Labor Report 144,* March, 1971.
5. "Table for Determining Primary Insurance Amount and Maximum Family Benefits," Public Law 93-233, enacted December 31, 1973, p. 3-5.
6. President's Commission on the Status of Women, *Report of the Committee on Social Insurance and Taxes,* October, 1963, p. 36.
7. President's Task Force on Women's Rights and Responsibilities, *A Matter of Simple Justice,* April, 1970, p. 11.
8. U.S. Department of Health, Education, and Welfare, *Report of the Women's Action Program,* January, 1972, p. 91.
9. *Report of the 1971 Advisory Council on Social Security,* House Document No. 92-80, April 5, 1973, p. 43.
10. Office of Management and Budget, *Social Indicators, 1973,* U.S. Government Printing Office, Washington, D.C., p. 146.
11. Frontiero v. Richardson, 411 U.S. 677, 93S.Ct.1764(1973).
12. *Report of the 1971 Advisory Council on Social Security, op cit.,* p. 22.
13. "Opinion," Srephen Wiesenfeld vs. Secretary of HEW, U.S. District Court, District of New Jersey, Civil Action 268-73.

DEPARTMENT
FOCUS ON SECRETARIAL AND CLERICAL WORKERS

Women are gradually gaining access to positions at the middle-management level at the Department of Health, Education, and Welfare (DHEW) and, to a lesser degree, at the top-management level. Candidates for these positions, however, generally come from professional jobs outside the Department, or from colleges and universities. And despite these new opportunities, it is still the case that over 80% of HEW employees in grades GS-1 to GS-7 are women, and over 90% of women in the Department hold clerical and secretarial jobs.[1]

The Administration and Fiscal Subcommittee of the Secretary's Advisory Committee on the Rights and Responsibilities of Women (SACRRW) therefore decided to turn its attention in 1973-74 to the problems of women in secretarial and clerical jobs at DHEW, and opportunities for upward mobility for women who wish to move out of these jobs.*

THE PROBLEM

Occupants of secretarial jobs, who may have years of experience with the Department and its programs, rarely have access to professional career paths. The Federal Women's Program has computed that in a recent six-month period, only one in 27 secretaries at HEW left the GS-318 "secretarial" job series to enter another series; and in one agency, the National Institute of Education, the ratio was as low as one in 67. (See Appendix C.) The Department presently employs 5,400 secretaries in the GS-318 series.[2]

There are a number of reasons why the gap between secretarial jobs and professional technical or managerial jobs is rarely bridged. One factor is the secretarial job itself. Its skills and duties are necessary in virtually every organization; and, to some extent, the qualifications can be applied to a secretarial position whether it exists in HEW, another agency, or the private sector. The secretary is seen apart from the specialized functions of the organization, and the work experience is often viewed as developing secretarial skills rather than providing knowledge, skills, and capabilities in other areas.

For women who consider themselves professional secretaries and who seek experience, promotion, mobility, and growth within the secretarial field, this perception is quite functional. Their problems tend to be in the area of job satisfaction and job enrichment, and their needs and desires may center on seeking relief from boring, repetitive or demeaning tasks, and sufficient recognition of the professional nature of their work. The Committee is aware of the need for improving the quality of work for secretarial and clerical workers who wish to stay in these positions, and hope to pursue this further in the future (see page 51). In this report, however, the Committee has focused its attention on those women who seek to move from secretarial positions into other work, for whom the generally-held view of secretarial may be a significant drawback.

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*This report and series of recommendations on "career ladders," or opportunities for advancement for secretaries was prepared with the aid of Michael Tate and Peggy Burke of Arthur D. Little, Inc.

Evaluations of the reality of the problem, as a problem, vary greatly at HEW. While one personnel specialist observed, "There's really not much of a problem," a senior executive in the Federal Women's Program reacted, "To say it's a problem is the understatement of the year."[3] An individual with experience both in classification and training observed that "The secretarial series is probably the most difficult series to break out of."[4]

A common theme in interviews with people at DHEW interested in this area was that the exceptional woman who happened to find out about a particular job, was tenacious enough to get the necessary training, and sell herself as a qualified applicant, could probably move out of the secretarial field. But for most secretaries who express an interest in other career fields, the outlook is less optimistic. Some simply believe that there are no viable options for them except perhaps to move higher in grade. Others relate experiences of having been turned down repeatedly as simply ineligible for consideration when applying for a position in a new series. Movement from the secretarial series into another series is not a routine or normal career path, whatever one's view of how serious this condition is, or whether it is a problem. Given the number of women in these kinds of jobs and the variety of their experience and talent, if opportunity is open only to a very few, that condition would seem to be *prima facie* evidence of a problem.

ROOTS AND CAUSES

There is no single reason why so few secretaries move into other jobs at HEW. There are a number of crucial factors which effect their opportunities, and which may be used to help or hinder change. They include the secretary hirself*, management, certain agencies with specialized functions in this area like the Federal Women's Program, Upward Mobility, and personnel offices, and the structure of the civil service system itself.

Secretaries

Within the civil service system, the job candidate must be, in most cases, the initiator of action – s/he** must actively seek and apply for jobs, request training or seek out advice on career planning. If the candidate does not make the first move, no one else will. Therefore, the receptiveness of the individual secretary to the entire concept of moving into a new job series, the person's skills in exploring the civil service system for ways to do this and in locating target jobs, as well as qualifications for that job, are all critical factors which can either limit or open opportunities.

Management

As good management involves effective utilization of employees, the first level supervisor has a responsibility to identify employee potential and assist in developing it. The supervisor can encourage employees to develop career goals and plans, to plan for and seek training, or even to find and transfer into a new job or occupation. The supervisor also plays a critical role in evaluating the secretary's performance in conjunction with hir application for a new job. It is clear that a concerned and helpful supervisor is one of the most important facilitators of career mobility.

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However, given the demands upon a supervisor's time and energy, there is little likelihood that attention will be focused on an issue in the absence of emphasis from superiors. It is almost a cliche to point out that the active involvement and blessing of top management upon activities within the bureaus and the Department is important. But such commitment, communicated down through line managers is, indeed, critical. Top management must therefore be as committed to developing opportunities for secretaries as to other priority issues.

Advocates and Technical Resources

1. Federal Women's Program

Organizationally located within the Department's Equal Employment Opportunity function, the Federal Women's Program is clearly concerned about the career advancement opportunities of women in secretarial jobs. Although the FWP has as its clientele all women in the Department, this issue is of particular concern because there are so many women in low-grade secretarial and clerical jobs, and mobility for these women appears so limited. The Director of the Federal Women's Program in the Civil Service Commission stressed that to date, much of FWP's energy has been devoted to developing a role for the women's program, assembling a cadre of coordinators, raising interest levels, and maintaining a presence in each Department and agency. It should now become increasingly possible to sharpen focus upon specific occupational groups which tend to be predominantly female, however. Because the FWP has direct input to Affirmative Action Plans and to Department policy affecting women, the program coordinators within each bureau may take an increasingly effective role on this issue.

2. Upward Mobility Program

Located within the personnel department of each bureau is the Upward Mobility coordinator. These individuals have the responsibility, not only to administer specific programs such as the Upward Mobility College and Projects Stride, Access and Start, but also to act as catalysts within their respective organizations to make upward mobility a reality for all those employees in grades GS 1-7 and their wage board equivalents (except in entry-level professional jobs). The amount of activity in which they will engage will vary from agency to agency depending upon the resources and emphases which have been placed at the disposal of the Upward Mobility program. But generally this staff will engage in career counseling and informal advocacy on behalf of their target population.

Although the program does not focus upon any particular job series, or upon women (since its mandate is to serve all employees in lower level grades), the fact is that secretarial and clerical women constitute a large portion of the Upward Mobility target population. The kinds of approaches, skills and responsibilities that Upward Mobility program staff possess make them a potentially valuable resource.

3. Personnel Officers

Because any formal personnel action – transfer, detail, promotion, reclassification – and many training opportunities require the action of the personnel staff, these individuals are important to accomplishing any change in patterns of job mobility. They have the professional training and knowledge of procedures and regulations to help managers and secretaries carry out effective career planning, to provide career counseling services, to facilitate job restructuring, to identify employee development problems (and solutions) which occur at the bureau level, and to maintain a constant presence supportive of career mobility. They also have the expertise to apply qualification and classification standards such that the skills and experience of individual employees are fully developed and utilized.

Unfortunately, personnel staffs are not always organized to have the most effective impact on guiding potential applicants who are now secretaries into potential jobs in other fields. Ideally, each bureau would project future personnel needs and match them with existing employees and their potential. This could be complemented, then, by career planning on the part of the individual. Targeting upon a specific position or class of positions which appears promising, the employee could plan for training and development in preparation for that goal. However sensible such personnel and career planning may be, under the pressures of daily operations, it is often difficult to make those concepts operational. In practice, personnel staffs tend to be organized into functional specialties (classification, staffing, training, employee relations), with no one charged with either the career planning or the personnel planning role.

Civil Service System

Apart from any impact Departmental policy may have upon a secretary's opportunities for movement, the civil service personnel system creates a network of conditions which greatly affects the possibilities for advancement.

First, in demonstrating qualification for selection to another position an applicant is judged upon education/training, specialized and general experience, or a combination of the two. Although training and education requirements are a hurdle for some, many women in secretarial/clerical jobs may have acquired training and education either in-service or on their own time. For them, the experience requirement presents a problem. In the strict sense a secretary's experience (in a position in the GS-318 series) may be judged as specialized experience only in the *secretarial* occupation. If a candidate wishes to qualify for a job in another series, based on secretarial experience, s/he must demonstrate that the duties and responsibilities provided specialized experience applicable to the new job. Routinely, experience in a straight secretarial position would not be analyzed as qualifying for movement into another series. Unless the individual secretary is aware of this problem, and uses the "job-element" approach to represent hir experience on the job application, s/he may quickly be eliminated in the review process.

A second problem involves the structure of pay scales. The entry or trainee level position to a professional series is often rated a GS-5. By the time a secretary has had a number of years experience in an organization and, consequently, enough experience to qualify for a professional series, s/he may very well be two or more grades above the entry-level for that career ladder. Realistically, the disincentives of moving from a GS-7 secretary to a GS-4 or GS-5 trainee are substantial, even with greater opportunity for advancement in the lower grade.

Third, in the classification of many positions a certain amount of discretion can be exercised by the classification specialist, as to whether the job is properly a secretarial (318) job or another type of job which incorporates some technical duties along with clerical tasks. Some personnel specialists believe that the 318 classification may be somewhat overused, either because it is difficult to pin down the position's essential nature or because the secretarial classification holds some aura of prestige for the supervisor. The result for the person eventually hired for the job is that s/he be channeled into the secretarial job ladder. This may bring faster promotions, but promises fewer long-range possibilities. If the same person had been hired as a specialized clerk (e.g., an accounting clerk or a personnel clerk) s/he would have been channeled into a career stream with potentially more options in terms of grade, professional status, and career development. For the woman whose interests lie in the direction of professional and technical work, job classification decisions may thus proscribe her future options.

Finally, the system is singularly maladopted to conveying to secretaries the kind of information and assistance they need to move into other job categories. Although one can refer to the personnel system, this "system" manifests itself in markedly non-systematic fashion to most of those who come into contact with it. Practically every employee has at one time or another been frustrated by not knowing where to find the right person with the right information about available jobs. This is certainly not peculiar to secretaries. On the other hand, professional and executive employees, while they may be frustrated by the seeming inflexibilities of the system and a scarcity of challenging new job opportunities, frequently have extensive personal information networks both in and out of government which compensate for the formal system's intractibility. The secretary's information network may easily run exclusively through secretarial channels and not really enhance career mobility as much as it alerts hir to other secretarial job openings.

The resources at a secretary's disposal for career planning are a good example. It may be that a particular female secretary's supervisor is uniquely involved and concerned with her future, willing to take a chance on her in a different job, or willing to recommend her to a colleague who has an opening. This supervisor may also be precisely the individual who knows least about how qualification standards work, what training she will need to fill the job, what competitive process she must complete to be hired, whether a training agreement covers the position, or where a bridge position exists. At the same time, the person most likely to have that information – the personnel professional – is probably much less likely to know the secretary, and understand her capabilities, potential and aspirations.

The apparent dichotomy between the individual equipped to act and the individual equipped with information is further exacerbated by heavy demands upon a manager's time. It is probably unrealistic to expect the typically busy manager to be equipped with all the requisite information, or to expect the personnelist to be sufficiently involved in the day-to-day operations of the organization which s/he services, to be able to identify every likely candidate. And yet this lack of role integration presents a real barrier to career planning for the secretary.

RECOMMENDATIONS

Long-term Goals

Over the long term, the Committee feels that a system which provides maximum career options for secretaries and others would probably meet the following criteria:

(1) The secretarial job would be viewed, not only as a career in itself, but also as one access route to other professional and technical job series.
(2) Career ladders and career lattices accessible to secretarial employees at all grade levels would exist which provided pathways into other occupational fields.
(3) Information about all types of job and training opportunities would flow freely to all employees. A secretary would receive information not only about secretarial opportunities, but about others as well.
(4) Job candidates' experience would be routinely evaluated upon their acquired skills and past performance, both in paid and unpaid positions, and not primarily upon their previous job series.
(5) Training agreements (or similar mechanisms) for qualifying underutilized or dead-ended employees for more promising positions would exist in each bureau and agency.
(6) Supervisors would be heavily involved in career development activities with their employees and would be rated quite clearly upon their attention to this aspect of managerial responsibility.
(7) A prime source of talent for filling vacancies in the Department would be current employees.
(8) Substantial movement would actually be taking place between the secretarial series and other occupational fields.

The Committee realizes that there would have to be far-reaching reform in the current workings of the system before the above became a reality. However a number of short-term changes can be made now which may significantly advance DHEW in this direction. These innovations may be roughtly grouped into two categories: first, changes in Departmental policy which may serve to open doors for secretarial and clerical workers, and second, changes which are designed to equip women in secretarial/clerical positions to take advantage of new opportunities. SACRRW's recommendations in these areas follow.

Departmental Policy

The Committee recommends that the Secretary establish a percentage goal specifying the proportion of job vacancies to be filled from within the Department. The Secretary should further require each Assistant Secretary to submit goals for specific bureaus within thirty days of his request. Assistant Secretaries should then be required to submit quarterly reports informing the Secretary of progress toward stated goals.

The Secretary should also direct study of methods by which a specific number of job openings can be reserved for Upward Mobility candidates, and insuring that those candidates include secretarial and clerical workers.

With regard to locating and counseling those individuals who wish to advance, the Secretary should direct that all HEW employees engaged in training at government expense be required to prepare Employee Development Plans, outlining their present goals, and that each bureau personnel office designate a career counselor to assist employees in career planning. While such plans might be useful for every HEW employee, training candidates provide a group both accessible and manageable in size to test the utility of such plans.

The Secretary should also direct that in preparing performance evaluations of any HEW employee in a supervisory position, heavy emphasis be placed upon career counseling and employee development achievements.

The Committee further recommends that each bureau or office head should explore the possibility of negotiating a training agreement with the Civil Service Commission which would allow individuals who are underutilized or in dead-end positions to be qualified for professional or technical jobs. The secretarial and clerical job series should be specifically covered by any such agreement.

One such agreement has already been negotiated by the Public Health Service. Known as the *Training Agreement for Horizontal and Upward Mobility Program in the Public Health Service,* dated December 19, 1973 it covers a wide range of professional and technical job families, and was approved by the Civil Service Commission for a period of two years.

The Committee feels that paraprofessional positions constitute an important category of potential "bridge" positions between secretarial and other kinds of work, and can be an effective aid to the efficient functioning of the Department as well. The Office of the General Counsel, HEW, has already instituted a paralegal program with the goal of creating ten paralegal positions by June 30, 1974, in order to provide promotional opportunities to secretarial, clerical and administrative staff. New-position descriptions and supporting documentation were provided by the Classification Branch of the Office of the Secretary's Personnel Office.

The Committee recommends that each bureau legal office establish paralegal positions, with the number to be determined through joint consultation of FWP Coordinators and office directors. Further, since the concept of paraprofessional positions is not limited to the legal field, and has particular application to the health professions, opportunities in these other fields should also be explored.

Finally, in order to facilitate coordination and exchange of information among all parties and agencies involved with the problem of job mobility for secretaries, the Secretary should establish a "roundtable" at which agencies including FWP, the Women's Action Program (WAP), Job Restructuring, the 16 Point Program and others could informally discuss their programs. The initial agenda should include two major existing HEW bureau initiatives:

(1) *Handbook of Career Pathways at NIH for Upward Mobility,* developed by the Job Restructuring Team of the Office of Personnel Management in NIH. This document should be a useful resource for personnel specialists throughout the Department, especially those involved in career counseling.

(2) Applicability of training agreements. As cited above, the PHS has successfully negotiated such an agreement.

Advice and Encouragement for Secretaries

In order to move within the system as presently constituted, secretaries will need an array of tools, skills and information. Federal Women's Program Coordinators and personnel specialists are particularly well-equipped to assist secretaries in this regard. The Committee therefore recommends that they undertake the following programs.

(1) Conduct seminars for women in particular job series (initially the secretarial series) which explain how their experience can be described and weighted on job application forms so that their experience in other than secretarial duties can be given full credit when they are being considered for a new position.

(2) Advise secretaries, in applying for another job, to prepare a one-page resume as a cover sheet to the Standard Form 171. This de-emphasizes the current job series which must be entered at the beginning of the standard form and which may immediately categorize the applicant in the mind of the reviewer as only qualified for a secretarial position.

(3) Encourage desk-to-desk circulation of position vacancy announcements. Although publication is required by the merit promotion system, in some organizations most employees see few of them. Suggest that announcements from different geographic locations of the agency and the Department be circulated.

(4) Provide women in this job series with information, including job-specific seminars, regarding other job series into which they may be able to move. FWP indicates that among those who have moved out of the secretarial series, some of the more common new job titles assumed are: Administrative Aide, Administrative Assistant, Claims Examiner, Claims Technician, Hearing Assistant, Program Assistant, and Staff Assistant.[5]

Other target jobs might include Accounting Technician, Purchasing Agent, Editorial Assistant, Budget Analyst, Contract/Procurement Specialist, Management Analyst, Personnel Management Analyst, and Public Information Specialist, all of which are common to most bureaus. Movement into such series at entrance levels depends upon academic background and extent of specialized experience of individual employees. For further information on career pathways, one can refer to *Handbook of Career Pathways at NIH for Upward Mobility,* NIH Personnel Handbook 336-1, April 1973, from which these suggestions were drawn.

(5) Encourage secretaries to seek out career counseling assistance from their personnel offices and to request help in defining both their long-term goals and their short-term training needs. The Employee Development Plans for training needs within the next year, and the Career Development Plans for long range occupational targets, which are used by the Employee Development Center, Office of the Secretary, would provide good models for the kind of definition which should be achieved. Personnel officers should be encouraged to use such planning aides.

(6) Explore with the Employee Development Center (EDC) in the Office of the Secretary their new resource document for career counselors, *Career Development Training Analysis,* for its applicability to secretarial mobility. This document catalogues a large number of job families, explains the nature of jobs in each family, the required skills, qualifications and specific recommendations for training. The EDC is also considering a number of other relevant activities, focused on improving information about job opportunities for all GS-1 to GS-7 employees.

FOOTNOTES

1. Little, Arthur D. Inc. interview with Eugene Kinlow, Director of Upward Mobility, U.S. Department of Health, Education, and Welfare, June, 1974.
2. "Mobility of GS-318 Secretaries in HEW: September 1973 through February 1974," Federal Women's Program, June, 1974.
3. Little, Arthur D. Inc. interviews with HEW personnel, June, 1974. See Appendix D for full list of those interviewed.
4. *Ibid.*
5. "Mobility," *op cit.*

3. LOOK TO THE FUTURE

In the course of its own discussions, and its travel and meetings with women's organizations and HEW employees, the Secretary's Advisory Committee on the Rights and Responsibilities of Women (SACRRW) has become aware of a vast number of problems and issues which are of concern to women.

Many of these topics were touched on at the Committee's two regional meetings in Philadelphia and Kansas City, on January 31-February 1, 1974 and April 4-5, 1974 respectively.*

Many women in the education field were concerned about how girls' aspirations and self-concepts are being shaped by the schools. Several called attention to sex-role stereotyping in children's books, to the absence of women in administrative positions in elementary and secondary schools, and to a need for training counselors in guiding girls into non-traditional career paths.

Other women were concerned about opening up education opportunities for mature women, including creation of non-traditional programs structured to allow credit for work experience, permit part-time study, and provide child care facilities.

Women working in education were concerned that equal employment opportunity be a reality in that field: that sufficient affirmative action steps be undertaken to move women into upper-level positions, and that part-time faculty (who are mainly female) be treated equitably with regard to tenure and fringe benefits.

In the health field, many women felt that victims of rape are not getting the kind of help they need, and several individuals proposed establishing 24-hour community rape treatment facilities. Some were also concerned about various proposed or existing limitations on abortion, including the fact that Medicaid will not pay for an abortion unless it is recommended by a psychiatrist and conducted in a hospital. Other individuals called for additional research in family planning and contraception.

The problem of the position of nursing in the medical hierarchy, described as an "oppressed female profession" was also brought out.

A number of women discussed problems faced by women working for DHEW, problems which confront women elsewhere as well. They include unequal pay for equal work, sometimes accomplished through reclassification of positions into which women move; a need to obtain the support of middle management as well as top management, in order that equal promotion policies not be subverted; and under-utilization of women's talents as a result of women being limited to roles in which they can not use their full training.

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*SACRRW is indebted to Ms. Arva Jackson, Equal Employment Opportunity Officer, and Ms. Yvonne Brown, Community Services Coordinator in the Philadelphia Regional Office of HEW, as well as to Mr. Gorham L. Black, Jr., Regional Director, for the fine meeting there. As to the meeting in Kansas City, SACRRW is grateful to Ms. Dorothy Cohen, Federal Women's Program Coordinator, and Mr. Max Mills, Regional Director, for their effort on its behalf.

In view of the fact that in May, 1974 Secretary Caspar Weinberger renewed SACRRW's charter for another two years, the Committee would like to highlight a series of issues which, based on its year's activities, it believes to be of prime importance for consideration by the members of the 1974-5 SACRRW.*

Child Care

One of the needs about which the Committee has heard most from women throughout the country has been the need for adequate child care facilities. Child care is a concern not only of women on welfare, working mothers and working fathers, but also of those women who have small children at home who are trying to up-grade their education. Child care means not only 9 a.m. to 5 p.m. care for children from the ages of 3 to 5, but also infant care, after-school care for children of school age, part-time care, and extended hours care for children of people who do not work the usual 9 to 5 shift.

With the introduction into Congress on June 26, 1974 of the Child and Family Services Act, designed to increase the day care, pre-school education, health, and nutrition services available to American families for their children,* the members believe it would be appropriate to address the Department's role in providing such services at this time.

Social Service Regulations

Last year HEW proposed regulations for the social services programs under the public assistance titles of the Social Security Act passed in 1972. However controversy over such issues as the maximum income levels to be allowed for individuals to qualify for assistance in areas like day-care, have caused Congress to postpone issuance of the final regulations until January, 1975. The two areas of service of greatest concern to the Committee have been family planning and child care, and it seems appropriate for the Committee to continue to monitor the regulations in these areas.

Affirmative Action in Education

It is now six years since HEW assumed responsibility for enforcing Executive Order 11246, which specifies measures that institutions receiving Federal funds must take with respect to equal employment opportunity for women and minorities. Although staff limitations in HEW regional offices and in Washington have made it impossible to conduct reviews at all the campuses across the nation where they have been requested, there has been extensive interaction between Department officials and educators and administrators at certain institutions.

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*One-third of the Committee's membership changes each year, as members' terms have been set on a three-year rotating basis.

*Hearings will be held on the bill in July, 1974. A similar bill was passed and then vetoed by the President in 1971.

Any lessons which can be learned from early ventures in this new field should be useful in evaluating present programs and developing procedures for monitoring the effects of the even broader provisions of Title IX of the Education Amendments of 1972. Some questions which should be answered include: What progress has been made? Have certain procedures been more effective than others? Have there been significant side effects, either positive or negative? The Committee believes it would be timely and instructive during the coming year to review the impact of HEW actions on women at a few selected educational institutions.

Job Enhancement for Secretarial/Clerical Workers

Although as a result of the Equal Employment Opportunity Act and the women's movement in general a fair amount of attention has been focussed upon equal opportunity for women in hiring and advancement, little attention has been given to making jobs in which many women now work as rewarding and as useful as possible. For example, although numerous investigations have been made of methods of enhancing job satisfaction for assembly-line workers, similar study of secretarial/clerical workers has not been undertaken.

A few companies have begun to attempt to restructure the job of secretary, in efforts aimed at reducing turnover, wasted time, sick days, etc. by making the job more satisfying to the secretary, and at making operations more efficient overall. These include rotation plans, which relieve boredom and permit the secretary to gain a wider perspective on the organization; and use of "Word Processing/Administrative Support" centers, which centralize certain secretarial functions. The Committee feels that further study of what is being, and might be done in this area, and how this might be applied to secretarial/clerical workers at HEW, would be extremely useful.

Minority Women

The special problems of minority women frequently fail to get sufficient attention either from the women's movement, or from minority rights groups. Recognizing the need to hear from minority women's groups about their problems, and the need for better communications between white and non-white women, the Committee feels this is an important potential area of study.

Continuing Topics

The Committee members and staff will, of course, continue to monitor developments and refine existing recommendations as new information becomes available with regard to issues examined during the past two years. These issues include: national health insurance and comprehensive health care, adequacy of health personnel, Title IX of the Education Amendments, elimination of sex-role stereotyping in education, the structure of social security, DHEW's Affirmative Action Plan, personnel and upward mobility policies, and the promotion and appointment of women to top policy-making positions in DHEW.

APPENDIX A

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

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National Gypsum Corp
Basom, New York

Dorothy Bolden
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**James Dunlap
Vice President
TRW, Inc.
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Barbara Gunderson
Former Commissioner
Civil Service Commission
Rapid City, South Dakota

Juliette Ruiz
Doctoral Candidate
Graduate School of Social Work
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Assistant Regional Director
Planned Parenthood-World Population
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Leona Troxell
Former Administrator
Arkansas Employment Security Division
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Mildred Smith, Ph.D.
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Flint Michigan Schools
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Director, Center for Women in Medicine
Medical College of Pennsylvania
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STAFF

Karen Keesling
Executive Secretary

Beverly Phillips
Secretary

*Ex-officio Member

**Subcommittee Chairpersons:

Administration and Fiscal – James Dunlap
Education – Mary Bunting
Health – Nina Woodside
Social Services and Welfare – Betty Southard Murphy

APPENDIX B

MEETINGS OF THE SECRETARY'S ADVISORY COMMITTEE ON THE RIGHT AND RESPONSIBILITIES OF WOMEN

September 13-14, 1973
Washington, D.C.

November 29-30, 1973
Washington, D.C.

January 31 – February 1, 1974
Philadelphia, Pennsylvania

April 4-5, 1974
Kansas City, Missouri

June 17-18, 1974
Washington, D.C.

APPENDIX C

RATIO OF SECRETARIES (GS-318) IN HEW AGENCIES TO THE NUMBER OF GS-318S WHO CHANGED JOB SERIES DURING THE SIX-MONTH PERIOD 9/1/73 TO 2/28/74

Agency	Number of GS-318s*	Number who changed job series	Ratio
OS	687	36	1:19
OE	379	8	1:47
HSA	649	16	1:41
SSA	1622	82	1:20
SRS	269	9	1:30
FDA	338	6	1:56
HRA	234	11	1:21
NIH	692	20	1:35
CDC	154	9	1:17
NIE	67	1	1:67
ADAMHA	157	0	
HEW	5248	198	1:27

* data: end of December 1973

APPENDIX D

FEDERAL GOVERNMENT PERSONNEL INTERVIEWED BY ARTHUR D. LITTLE, INC. ON ADVANCEMENT OPPORTUNITIES FOR SECRETARIAL/CLERICAL WORKERS, JUNE, 1974

Marie Ali, Upward Mobility Coordinator, Public Health Service

Louise Alstork, Consumer Product Safety Commission

Pam Carlson, Employee Development, Bureau of Government Financial Operations, U.S. Treasury

Elizabeth Crichton, Job Restructuring, National Institute of Health, HEW

Myra Devine, Bureau of Computer Operations, Social Security Administration, HEW

Anita Garcia, Federal Women's Program Coordinator, Social Security Administration, HEW

Betty Gilliam, Office of Personnel and Training, Office of the Secretary, HEW

Frank Green, Job Restructuring Center, Office of the Secretary, Personnel, HEW

Evelyn Herwitz, Federal Home Loan Bank Board

Peggy Holly, Office of the Secretary, Personnel, HEW

Walter Hill, Office of Personnel and Training, HEW

Eugene Kinlow, Director of Upward Mobility, Department of HEW

Kathy Kirkley, General Services Administration

Julie Kisielewski, Federal Women's Program Coordinator, Office of the Secretary, HEW

Jean Leslie, Chairman, Upward Mobility Subcommittee, Commerce Committee on Women

John Maxwell, Deputy Director, Personnel, Office of the Secretary, HEW

Robert McMurrer, Chief Job Restructuring Branch, Office of Personnel and Training, HEW

Helene Markoff, Director, Federal Women's Program

Donna Moore, Upward Mobility Staff, Civil Service Commission

Michael Patchan, Chief, Training Branch, Office of the Secretary, Personnel, HEW

James Pennington, Director, Employee Development Center, Upward Mobility Coordinator, Office of the Secretary, HEW

Kay Seidl, President, Commerce Committee on Women

Sharon Stromberg, Deputy Director, Civil Service Commission Communications and Office Skills Training Center

Pat Tinker, Classification Specialist, Bureau of Government Financial Operations, U.S. Treasury

THE YEAR IN REVIEW – 1973

As Secretary of the Department of Health, Education, and Welfare, committed to equal rights for all human beings, your leadership is crucial to the more than 67,000 women in the Department (over 60 per cent of the DHEW workforce) as well as to more than half our country's recipients of DHEW programs–the female population.

"Because achievement of equal opportunity for women entails unique concerns which require special attention, because the issues of change with which the Department will be dealing as it assesses and implements recommendations of the Woman's Action Program which are numerous, pervasive and complex, both for the Department and for American society, and because the Department's efforts to take initiative in helping to free men and women from unnecessary constraints on their opportunities would benefit greatly from sources of expertise in addition to those found in the Department," former Secretary Elliot Richardson established the Secretary's Advisory Committee on the Rights and Responsibilities of Women on May 4, 1972.

The Committee was charged with the responsibility of making recommendations to the Secretary regarding policies, programs, and other activities of the Department relating to the status of women. The term "status of women" includes all conditions which constitute or affect the needs and the potential for services and self-realization of women.

The membership of the Committee includes persons providing health, education, and social services; consumers of such services; and members of the general public. A majority of the members are persons who have participated in some aspect of the effort to eliminate discrimination on the basis of sex. Attitudes of Committee members have changed throughout the year. Those who had very little awareness of the total scope of the woman's movement now have a new understanding.

The geographic distribution of the Committee members, as well as their sex distribution, age distribution, and professional orientations, afforded a multiplicity of input to the Committee's deliverations, which should in turn afford the Secretary and his staff many uses for this report and other information gained. Much that was learned evades incorporation in a routine periodic report. The Committee would be most receptive of opportunities to share their impressions and information with those on the Secretary's staff who might find this profitable.

Throughout the Committee's meetings and travels to the Regions, the members heard the following concerns expressed several times: (1) the need for child care, (2) sex discrimination in education, and (3) job discrimination against women. The witnesses who appeared before the Committee represented organizations concerned with the status of women and women with individual concerns. These people came from academia, the health professions, welfare and social service agencies, as well as consumers of these services. At this time the Committee would like to publicly thank all those individuals who met with the Committee or submitted written statements to us, as well as those DHEW officials who assisted the Committee during the year.

The Secretary has received periodic recommendations from the Committee which appear in the Appendix along with Departmental action in those areas. The task of eliminating discrimination on the basis of sex is not easy, for attitudes regarding equality for women are slow to change. The Committee believes, however, with the Secretary's leadership in this area, change will occur and occur rapidly. The Committee is hopeful that by the 200th Anniversary of our nation, as the Secretary also expressed, women will have true choice to develop their potential and to be able to use these acquired skills to the best of their ability.

Thus to assist the Department in achieving true equality in the Department and in American society, the Committee makes the following recommendations:

A. AFFIRMATIVE ACTION PLAN

1. *To ensure the effectiveness of the Department's Affirmative Action Plan the following should be implemented:*

    a. *Agency Heads and Regional Directors should be held rigorously accountable for the Affirmative Action Plan they have endorsed, and should in turn insist upon their managers' accountability for it.*

    b. *Agency Heads and Regional Directors should set appropriate goals for women in the Plan and should submit the Plan in a timely fashion.*

    c. *The Secretary should require quarterly monitoring of the Affirmative Action Plans so that implementation of their goals would become a reality.*

2. *In decentralization, the transferring of Headquarters staff should comply with the intent of the Affirmative Action Plan to assure that inequities toward women are avoided.*

3. *The Federal Women's Program Coordinators should attend informational staff meetings and be a part of the distribution system for all essential information within the Agency or Region to assist them in achieving affirmative action goals.*

B. PERSONNEL POLICIES

1. *To achieve staffing goals compatible with the intent of affirmative action, the following personnel activities should be in operation:*

    a. *Management and Office of Personnel should take an active and aggressive role in staffing and recruitment compatible with the goals and intent of the Affirmative Action Plan.*

    b. *Personnel should operate according to the basic concept of a Personnel Office — that of providing functional initiative for DHEW management — instead of serving passively only to carry out the requirements of management.*

2. *To sensitize DHEW personnel to the changing roles of women, the following training programs should be initiated:*

    a. *Management throughout the Department should be exposed to training on the changing economic and social roles of women, as reflected in recent Executive Orders and legislation.*

    b. *Supervisors within the Department should be required to undergo the stipulated training in supervision (which is mandated but often ignored) and a significant component of that training should be devoted to the goals and objectives of the Federal Women's Program.*

3. *The Personnel Office should ensure that the following be implemented:*

    a. *Information on employee rights and information about training possibilities for employees be more freely circulated, in ways highly visible to employees; employees be encouraged to make use of this information; and the burden for an informed workforce be placed upon management.*

    b. *A yearly performance appraisal should be required for all employees and it should be discussed with the employee.*

4. *The Department should give serious consideration to the use of part-time employment; being bound by OMB slot regulations regarding part-time employment, the Department should consider changing the accounting system on reporting the derived ceiling so that the unit of measurement is manhours rather than a body count.*

C. UPWARD MOBILITY

1. *The Personnel Office should place special emphasis upon providing lateral exits for dead-ended jobs, and this emphasis must involve careful monitoring of appointments to the restructured jobs so that they provide maximum mobility for women.*

2. *The Secretary should ask the Upward Mobility Advisory Council to determine the inequities in the Regional Upward Mobility guidelines and to develop guidelines for each Region which meet their unique needs.*

D. A NATIONAL POLICY FOR THE PROTECTION AND PROMOTION OF THE HEALTH OF WOMEN AND CHILDREN

1. *The Secretary is urged to appoint at the earliest possible date a task force to draft a national policy for the protection of the health of women and children. Such a policy is essential to ensure the continued planning for and provision of a comprehensive national health care system for this major portion of our population, as part of a national health policy for all people.*

2. *Recognizing that as yet there is no universally available system of health care which could implement such a national health policy, it is further recommended that the planning for such a system build, as a beginning, upon existing programs such as amending Title V of the Social Security Act and making use of the concept of regionalization.*

3. *Any future development of services specific to mothers and children, such as family planning services or services to other categories of women such as aged women, mentally ill women, alcoholic women, and others should be, as a matter of national policy, an integral part of comprehensive medical care providing a broader spectrum of health services to women as a part of the family unit. It should be recognized that women have health needs other than those related to conception.*

E. NATIONAL HEALTH INSURANCE

1. *The Offices of the Assistant Secretary for Planning and Evaluation and the Assistant Secretary for Legislation should initiate steps to ensure that in the planning and introduction of legislation on national health insurance the special health needs of women are addressed, especially the following:*

   a. *Pregnancy related benefits should include:*

      1. *Maternity benefits beginning immediately after the effective date of the policy,*

      2. *Maternity benefits covering actual cost of stay,*

      3. *Maternity benefits covering single women and dependent female children,*

      4. *Coverage of elective surgery related to actual pregnancy or pregnancy prevention, whether performed in a hospital, clinic, or doctor's office,*

      5. *Treatment of disabilities caused or contributed to by pregnancy, childbirth, or recovery therefrom, for all job-related purposes, as temporary disabilities, and*

      6. *Coverage of non-hospital delivery.*

   b. *Delivery and new born related benefits should include:*

      1. *New born infant benefits beginning with the date of birth, and*

      2. *Catastrophic illness coverage for children as well as adults.*

c. *Family planning service coverage should include:*

   1. *Fees for family planning services, to include those for dependent children,*
   2. *Cost of contraceptive supplies,*
   3. *Infertility service, and*
   4. *Surgical procedures of pregnancy prevention.*

d. *Coverage of examination and laboratory tests which relate strictly to health needs unique to women should include:*

   1. *Pap smears,*
   2. *Breast cancer examination, e.g. mammography, and*
   3. *Pregnancy tests.*

F. FAMILY PLANNING SERVICES

1. *DHEW should take steps to strengthen the family planning programs administered by FDA, NIH, SRS, and HSA through the following:*

   a. *Increased availability of services,*

   b. *Comprehensiveness of services,*

   c. *Expanded contraceptive research,*

   d. *Improved presentation of contraceptive information,*

   e. *Recognition of the "genocide" issue, and*

   f. *Adequate funding.*

G. HEALTH PROFESSIONALS

1. *The Health Resources Administration should initiate action to explore revision of DHEW policy to meet the health-care delivery needs of our nation including:*

   a. *Active enforcement of Title VII and VIII of the Public Health Services Act as amended in 1971 to seek more women applicants and to admit more women to medical schools,*

   b. *Permitting greater flexibility in the use of certified nurse practitioners such as maternity nurse practitioners and other health workers to offset the immediate relative non-availability of physicians for preventive health services, and*

c. *Placement of physicians and nurses in rural and inner city areas through the National Health Service Corps.*

H. DHEW ENFORCEMENT OF NONDISCRIMINATION

1. *To implement Title IX of the Education Amendments of 1972:*

    a. *The Office for Civil Rights should release immediately the Title IX Regulations,*

    b. *The Office of Education, the National Institute of Education, and the Office for Civil Rights should publicize the Title IX provisions in all possible ways, and*

    c. *The Office of Education should place special emphasis on publicizing Title IX coverage of employment practices in elementary and secondary school administration.*

2. *Regulations for Title VII and Title VIII of the Public Health Service Act as amended by the Comprehensive Health Manpower Act and the Nurse Training Amendments Act of 1971 should be released immediately by the Office for Civil Rights.*

3. *The Office for Civil Rights should require universities and other educational institutions to circulate their proposed affirmative action plans to all members of the institutional community with a designated response period provided.*

4. *The Office for Civil Rights, Division of Higher Education, should take the necessary steps to ensure enforcement of the Federal laws and regulations concerning sex discrimination.*

5. *The Office for Civil Rights in DHEW should establish a system for more coordination among OCR, the Equal Employment Opportunity Commission, the Wage and Hour Division and the Office of Federal Contract Compliance in the Department of Labor.*

I. ADULT EDUCATION

1. *DHEW should press for adequate programs and financial assistance for women wishing to return to education, especially those preparing to enter the labor market or upgrade their current employment. Such programs should take full advantage of:*

    a. *Title I of the Higher Education Act of 1965 as amended by the Education Amendments of 1972. As yet no funds have been budgeted for this purpose; the Committee urges that this be remedied as soon as possible,*

    b. *The Program for the Improvement of Postsecondary Education for innovative changes in postsecondary education to meet the changing roles of women in American society and for the creation of educational counseling centers,*

c. *The expanded Adult Education Act now before the Congress for innovative experimental projects, and*

d. *The Basic Educational Opportunity Grants Program to assist in making available the benefits of postsecondary education to eligible students by providing assistance in meeting the cost of such education.*

J. EDUCATIONAL AND VOCATIONAL COUNSELING

1. *The Office of Education and the National Institute of Education should monitor all funding of training programs, such as the Special Experimental Demonstration Projects and Teacher Training under the Adult Education Act of 1966, for professional counselors and teachers to assure that efforts to overcome sex-role stereotyping are included in all such programs.*

2. *The Office of Education and the National Institute of Education should give top priority to the development of more effective counseling and education of females at all levels and should publicize the availability and funding of such programs.*

K. SOCIAL SECURITY

1. *The Social Security Act should be amended as follows:*

   a. *To provide working married couples with the option of figuring their benefits on the basis of each individual's earnings record or combining their income as is possible under the income tax system, whichever would give them the highest benefit,*

   b. *To provide benefits to husbands and widowers of women workers (retired, disabled and/or deceased) applying the same conditions that are used for wives and widows of men workers by assuming that he was dependent upon his wife unless his own benefit was higher than his benefit as a husband or widower,*

   c. *To compute the amount of one's benefit on the highest five or ten years of paid employment,*

   d. *To eliminate the 20/40 disability requirement,*

   e. *To provide full benefits, regardless of age, to disabled widows and widowers, and disabled wives and husbands, and*

   f. *To provide monthly benefits for a limited adjustment period to childless widows and widowers who chose to stay home and not work outside the home and do not now qualify for benefits to help them adjust to the immediate loss of income and to ready themselves for work outside the home.*

2. *The Social Security Administration should report to the Secretary its findings within FY '74 on the following studies now in progress including the feasibility of any legislative remedies:*

   a. *Coverage of homemaking and child care services, and*

   b. *Rehabilitation goal to restore the ability to maintain the home or care for children.*

3. *The Secretary should recommend to the Secretary of the Treasury that the Internal Revenue Code be amended to allow men and women with disabled spouses requiring care at home or in an institution to benefit from the deduction for care of "dependents," which currently does not include spouses. This deduction for a housekeeper, nurse or institutional care of the disabled spouse or any children of the couple should be considered a business expense.*

Elizabeth Athanasaskos, Chairperson
Secretary's Advisory Committee on the
Rights and Responsibilities of Women

REPORT OF THE INTERNAL AFFAIRS SUBCOMMITTEE

INTRODUCTION

Throughout the Subcommittee's hearings and study, one underlying theme was reiterated and resounding: *Change in the Department is inevitable.* There is change in the Department's goals, change in its emphases, and its functions–and change, as well, in the work expectations of its women.

Our question: how will DHEW manage the change?

The Committee observed that the burden of this change has too often been left to the Personnel people and to other staff, rather than receiving proper thrust from the top. Thus, it is gratifying to hear that the Secretary has given his support to the Equal Employment Opportunity Program and has elevated its position by designating the Under Secretary as the Equal Employment Opportunity Officer for the Department. He has also given his support to the Federal Women's Program and the elimination of sex discrimination in DHEW employment. As the Secretary and the Committee recognize, this is only a starting point. All managers at DHEW headquarters and in the regions must be made aware of top management's commitment and be held accountable for their actions. The Federal Women's Program must become part of, be "owned" by, the entire body of DHEW. Binding on the Department is an active affirmation of good faith in Affirmative Action. For this reason, DHEW cannot escape the glaring scrutiny of its achievements, and its serious effective intent in this area.

DHEW is the one Agency in the Federal system most committed to human resources, and probably most serving of women's social concerns. Its own human resources of 64,000 women cannot be ignored. The Department's legal commitment to the Executive Order and the Public Law should properly be surpassed by its zeal for the purpose of the law. The Committee believes that DHEW has an obligation to continue its leadership in this field and to increase its current employment of women, especially those in the mid-level and top-level positions.

Consequently, the Subcommittee's prime recommendation regarding internal employment matters centers on a strong and enforced Affirmative Action Plan. In addition to this prime recommendation, the Committee makes several others including personnel policies and upward mobility, which arose from testimony aside from, and in addition to, the Affirmative Action Plan.

Comments received from the Office of the Assistant Secretary for Administration and Management indicate that their examination of the status of women in DHEW employment verify the validity of the Committee's recommendations. Implementation has been begun by OPT and FWPD through the development of guidelines for more effective monitoring in these areas of concern.

Members of the Internal Affairs Subcommittee were: Xandra Kayden, Chairperson, James Dunlap, Barbara Gunderson, and Leona Troxell.

RECOMMENDATIONS

A. AFFIRMATIVE ACTION PLAN

1. *To ensure the effectiveness of the Department's Affirmative Action Plan the following should be implemented:*

   a. *Agency Heads and Regional Directors should be held rigorously accountable for the Affirmative Action Plan they have endorsed, and should in turn insist upon their managers' accountability for it.*

   b. *Agency Heads and Regional Directors should set appropriate goals for women in the Plan and should submit the Plan in a timely fashion.*

   c. *The Secretary should require quarterly monitoring of the Affirmative Action Plans so that implementation of their goals would become a reality.*

It was observed that managers have a very direct influence on whether or not the Department's commitments toward women are implemented. One manager was frank to say that this year the subject was "not high on my priority list". Others could not bring themselves to speak as frankly, but stated by implication that the program had not been fully endorsed. Testimony from employees repeatedly underlined the impression that an Affirmative Action Plan was a pious document, with highsounding aspirations, but with little or no accountability. It is our understanding that accountability procedures have been initiated in the Department's Affirmative Action Plan and that negligence will result in a review of performance, followed by sanctions if appropriate. We applaud this move as well as the Secretary's supportive statements about the importance of the mission of the Federal Women's Program as these are necessary steps to ensure the effectiveness of the Department's Affirmative Action Plan.

DHEW has taken steps in recent years to improve the status of its female employees as exemplified by the May, 1973 study by the Federal Women's Program, entitled "Positive Indicators for Employment for Women of HEW."[1] By comparison this study shows that the percentage of women in the Department is higher than in any other Department, and that DHEW is higher in the percentage of women in every grade except the GS-18 level. However, the Committee believes that much more needs to be done to make DHEW the model agency for affirmative action to include women in the mainstream of the Department because the programs sponsored by DHEW are those that most directly affect the life of every woman in the country. Also, DHEW is composed of those areas of study such as education, health, and social services where women have always outnumbered men.

2. *In decentralization, the transferring of Headquarters staff should comply with the Affirmative Action Plan to assure that inequities toward women are avoided.*

Anxiety on the part of regional women over the decentralization of Headquarters staff was perceived by the Committee members. Testimony inferred that high-level positions would be given to men transferred from Washington instead of promoting women already in the region.

3. *The Federal Women's Program Coordinators should attend informational staff meetings and be a part of the distribution system for all essential information within the Agency or Region to assist them in achieving affirmative action goals.*

It was observed that the Federal Women's Program Coordinators do not always have access to essential information on policy changes, program changes and other top-level management plans. The Department thus deprives itself of a fully informed Federal Women's Program staff who's job it is to assist the Department in achieving the goals of their affirmative action plan.

In the report submitted to the Secretary on July 6, 1973, on the status of the Women's Action Program Recommendations by Dr. Vera Brown, it was found that in August, 1972, all Agency Heads and Regional Directors were advised by the Assistant Secretary for Administration and Management that the FWPCs should have access to all essential information. It was further reported that no Agency FWPC found that information was being supplied to her. FWPCs in six of the ten regions believed that they were being given essential information.[2] These facts back up the Committee's observations during trips to Washington and two of the ten regions.

B. PERSONNEL POLICIES

1. *To achieve staffing goals compatible with the intent of affirmative action, the following personnel activities should be in operation:*

   a. *Management and Office of Personnel should take an active and aggressive role in staffing and recruitment compatible with the goals and intent of the Affirmative Action Plan.*

   b. *Personnel should operate according to the basic concept of a Personnel Office – that of providing functional initiative for DHEW management – instead of serving passively only to carry out the requirements of management.*

It was observed in the regional visits that the merit promotion plan is often circumvented in a variety of ways including:

- detailing a man to hold a vacancy, then writing job requirements in such a way as to fit his unique qualifications, thus eliminating competition from any other candidate

- preselection of a candidate, and setting the selection factors to fit only that candidate

- permitting the selection panel and the selection factors to be set by the selection officer

- permitting the promotion plan to be evaluated by the very individuals who administer it, and not by less partial observers

- failing to have on the selection panel individuals who are qualified to appraise the work involved in the position to be filled

- failing to have on the selection panel representative women as well as men sympathetic to careers for women

- failing to permit adequate circulation of the vacancy announcement for more than the minimal time period so that candidates out of the immediate vicinity (i.e. in the Regions) have an opportunity to learn of the vacancy.

2. *To sensitize DHEW personnel to the changing roles of women, the following training programs should be initiated:*

   a. *Management throughout the Department should be exposed to training on the changing economic and social roles of women, as reflected in recent Executive Orders and legislation.*

   b. *Supervisors within the Department should be required to undergo the stipulated training in supervision (which is mandated but often ignored) and a significant component of that training should be devoted to the goals and objectives of the Federal Women's Program.*

It was shocking to observe that in 1973 many parts of management often tended to ridicule or belittle career aspirations of women, embracing the myths that "women do not have to work" and many of the other disproved statements about women's work; to observe that management lacks awareness of the potential of women to serve in other than support roles; indeed, that even in support roles women have potential for more contribution than they are often permitted to express.

To balance the insensitivity of many managers, it was impressive to observe women with a new self-awareness, conscious of the importance of their contributions, mindful of their rights, and determined in their expectations.

3. *The Personnel Office should ensure that the following be implemented:*

   a. *Information on employee rights and information about training possibilities for employees be more freely circulated, in ways highly visible to employees; employees be encouraged to make use of this information; and the burden for an informed work-force be placed upon management.*

   b. *A yearly performance appraisal should be required for all employees and it should be discussed with the employee.*

Despite the new awareness of many women employees, it was observed that other women are not knowledgeable about their rights and related training opportunities as employees. It was found that many women believed they had no right to see their personnel folders, to be informed of RIF procedures, to have an appraisal of their performance.

It was also discovered that some employees had never had feedback on their work. Presently an annual performance rating is required of all Agencies in DHEW, for all employees. This is not the same as an annual performance appraisal as the former is merely a listing of all employees of an office which states the employees' rating of outstanding, satisfactory, or unsatisfactory.

Another statement or complaint expressed was that women did not know how to request job-related training; nor did they understand how trainees are selected. Advance managerial training was found to be given much more often to men than to women, even when Affirmative Action Plans were claiming to seek more women for high-level positions.

4. *The Department should give serious consideration to the use of part-time employment; being bound by OMB slot regulations regarding part-time employment, the Department should consider changing the accounting system on reporting the derived ceiling so that the unit of measurement is manhours rather than a body count.*

The Committee heard two kinds of testimony which relates to use of manpower: (1) the burden which will be put upon certain employees of the Social Security Administration during the next year to interview the public. Testimony indicated that approximately 13,000 employees of SSA would be taking over the functions previously performed by 65,000 state employees. The burden will cause an enormous amount of overtime. The employees feel that their efficiency in interviewing the public will decrease as the work week approaches a 60-hour week. They note also that costs will accelerate with the payment of overtime for so many employees for so many months; and (2) favorable reports on the use of part-time workers often produce as much in six hours as full-time workers produce in eight hours, both because of their mission-orientation and because of their gratitude for an opportunity to preserve skills which they cannot, temporarily, use full-time.

C. UPWARD MOBILITY

1. *The Personnel Office should place special emphasis upon providing lateral exits for dead-ended jobs, and this emphasis must involve careful monitoring of appointments to the restructured jobs so that they provide maximum mobility for women.*

Women in dead-end jobs must have opportunities for advancement. A plan now exists for the restructuring of jobs and creation of bridge positions. But, while this effort is valiant and creative, it was observed that in too many cases these jobs are not being used for their initial purpose—that of moving upward within the system. Many dead-ended jobs persist. The intent of restructured jobs is often being perverted by the use of new hires, detailees and the like. On occasion, jobs are being termed "restructured" when in fact they are not.

2. *The Secretary should ask the Upward Mobility Advisory Council to determine the inequities in the Regional Upward Mobility guidelines and to develop guidelines for each Region which meet their unique needs.*

Great concern was observed in some of the regions over the implementation of Upward Mobility guidelines, some of which are set at Headquarters and do not apply to regional conditions. Through testimony in one region it was learned that employees without a college education were being encouraged to attend an upward mobility college to obtain their B.A. with the added hope of job advancement when in fact the region had around 100 employees in clerical positions who already had earned their B.A. on their own time and money. These employees with their B.A. were very disgruntled as they saw little chance for advancement. The feeling expressed by these individuals was that the Department should not spend the money to provide college degrees for employees when they themselves had no chance for advancement. The Committee suggests that these people with their B.A.s also be included in the upward mobility eligibility pool.

REPORT OF THE HEALTH SUBCOMMITTEE

INTRODUCTION

The Subcommittee on Health considered six major and complex topics for discussion. These included comprehensive health care, fertility related care, health insurance, employment benefits in pregnancy, health education, and health manpower.

During the last few meetings the Health Subcommittee has worked on the following specific aspects of these major topics: (A) A National Health Policy, (B) A National Health Insurance Program, (C) Family Planning Services, and (D) Health Professionals. In future meetings the Subcommittee will be considering additional concerns, some of which have been addressed by testimony in the regions and in Washington. These include, among others, mental health care of women; services for groups of women such as migrant workers, Indians on reservations, prisoners, institutionalized women; services for aged women; services for abuses traditionally considered problems of men, such as alcohol abuse and drug abuse; nutrition services; pharmaceutical products; cosmetics; services for certain genetically influenced problems as they affect women; abortion; services to prevent and reduce infant mortality through the care of the mother; health education, including education in self health care, child care, and family living; health manpower opportunities and experiences for women; and employment benefits in pregnancy.

The most significant underlying theme of the recommendations and deliberations of the Subcommittee to date is the emphasis on the need for prevention and health maintenance within a comprehensive health care setting, for all women.

The comments received from the Office of the Assistant Secretary for Legislation regarding the National Health Insurance Program recommendations concurred with all but one specification which is discussed in the text of the health insurance recommendation. Staff from the Office of the Deputy Assistant Secretary for Planning and Evaluation/Health met with staff for the Committee to discuss the draft recommendations. Suggestions received were very much appreciated.

Members of the Health Subcommittee were: Dr. Nina Woodside, Chairperson, Dr. Cerella Lucas, and Deborah Roach.

A. NATIONAL HEALTH POLICY

1. *The Secretary is urged to appoint at the earliest possible date a task force to draft a national policy for the protection of the health of women and children. Such a policy is essential to ensure the continued planning for and provition of a comprehensive national health care system for this major portion of our population, as a part of a national health policy for all people.*

2. *Recognizing that as yet there is no universally available system of health care which could implement such a national health policy, it is further recommended that the planning for such a system build, as a beginning, upon existing programs*

such as amending Title V of the Social Security Act and making use of the concept of regionalization.

A first step is to ensure that the planning discontinuance of maternal and child health service project grants in favor of formula grants to States and the shift to revenue sharing for health without specific emphasis on maternal and child health not result in a net decrease in health services for mothers and children—already insufficient to meet needs of currently eligible people—nor result in greater inequities from region to region. The Secretary is urged to develop and propose amendments to Title V of the Social Security Act to so provide.

Promotion of the concept of regionalization can support this first step, utilizing the characteristics and benefits of stratified levels of medical care. These include central information storage and retrieval for planning and evaluation purposes, elimination of duplication of facilities and personnel, emphasis on family practice and primary care, use of so-called "medical extenders" and allied health workers in an integrated team approach, more even geographic distribution of health workers, community input and involvement and others. Specific examples of regionalized services include regional diagnostic and evaluation centers for handicapped children, intensive care units for high risk mothers and children, and consolidation of hospital obstetrical units to ensure efficient use of facilities and good quality of care.

3. *Any future development of services specific to mothers and children, such as family planning services or services to other categories of women such as aged women, mentally ill women, alcoholic women, and others should be, as a matter of national policy, an integral part of comprehensive medical care providing a broader spectrum of health services to women as a part of the family unit. It should be recognized that women have health needs other than those related to conception.*

There are distinct advantages to developing family planning services or any other categorical service within the context of comprehensive medical care rather than in isolation as only one segment of concern. Although the numbers of women reached who seek help from family planning services presently is on the rise, and this population is indeed being allied, it has been found that other health problems unassociated with reproductivity are often lost to follow up.

All too often the women themselves are oriented mainly to appear for assessment and evaluation surrounding family planning. Interconceptional care tends to be given or sought after on a "crisis situation" basis. It has been found that many teenage mothers drop out of family planning before one year probably because it does not address itself or encompass other basic problems and needs unique to this population which could be detected by a more comprehensive approach. Stimulation and awareness, involvement of and more importantly, acceptance by the recipients is greater when using the team approach to comprehensively deal with the total health of the patient.

A specific legislative authority funding family planning is necessary for it provides a program highly attractive to a large population and thereby permits initial contact with individuals requiring other types of health care. This contact eliminates duplication of time spent in staff training and case-finding and enhances the ability and capacity of the staff to handle more patients more effectively. Family planning services, in summary, can serve as the entry point for many women into a system providing comprehensive health services and continuity of care. Routine periodic continuous care has long range benefits in early detection of health problems, including such serious ones today as venereal diseases and drug abuse, and improved health outcome.

During the 1972 annual meeting of the American Public Health Association, the nation's largest multidisciplinary health organization, the health of mothers and children was discussed at length. Several recommendations were passed emphasizing that family planning is the key to babies', mothers', and teen's health.[5]

B. NATIONAL HEALTH INSURANCE

1. *The Offices of the Assistant Secretary for Planning and Evaluation and the Assistant Secretary for Legislation should initiate steps to ensure that in the planning and introduction of legislation on national health insurance the special health needs of women are addressed, especially the following:*

    a. *Pregnancy related benefits should include:*

        1. *Maternity benefits beginning immediately after the effective date of the policy,*
        2. *Maternity benefits covering actual cost of stay,*
        3. *Maternity benefits covering single women and dependent female children,*
        4. *Coverage of elective surgery related to actual pregnancy or pregnancy prevention, whether performed in a hospital, clinic, or doctor's office,*
        5. *Treatment of disabilities caused or contributed to by pregnancy, childbirth, or recovery therefrom, for all job-related purposes, as temporary disabilities, and*
        6. *Coverage of non-hospital delivery.*

    b. *Delivery and new born related benefits should include:*

        1. *New born infant benefits beginning with the date of birth, and*
        2. *Catastrophic illness coverage for children as well as adults.*

    c. *Family planning service coverage should include:*

        1. *Fees for family planning services, to include those for dependent children,*
        2. *Cost of contraceptive supplies,*

    3. *Infertility service, and*
    4. *Surgical procedures of pregnancy prevention.*

d. *Coverage of examination and laboratory tests which relate strictly to health needs unique to women should include:*

    1. *Pap smears,*
    2. *Breast cancer examination, e.g. mammography, and*
    3. *Pregnancy tests.*

The Committee is not supporting any particular method of financing for national health insurance be it a combined catastrophic health insurance plan attached to income with a requirement of health insurance for all workers as suggested by the White House's Office of Management and Budget or the "health-card" system now being explored by the Department. However, the Committee does want to ensure coverage of health services unique and necessary to a woman's total health care and adequate coverage of pregnancy related care of women regardless of age or marital status. Therefore, the issues addressed by this recommendation should be contained in the proposed health insurance legislation presented to the Congress.

The unit of insurance should be extended to include those couples who choose to have children, to those couples who decide not to have children, and to single persons including dependent children. According to a recent Planned Parenthood study for every $1 a family spends to prevent an unwanted birth, this family saves between $2.50 and $2.90 in health care costs alone during the following year.[6]

Many insurance policies delay coverage for maturity benefits. The health insurance policy for Federal government employees, however, takes effect immediately upon employment. Thousands of recently married couples would find the insurance policy does not cover the birth of their first child, without the benefit of this recommendation. This is significant as an estimated 22 per cent of first borns are conceived prior to the marriage of the parents.[7] Therefore, a delay in coverage results in financial hardship, economic strain, and psychological stress at a time in family development where strain and difficulty should be minimized.

Deductibles and co-insurance, intended to limit unnecessary hospitalization, should not be applied to obstetrical cases since virtually all births in the U.S. occur in hospitals and the average hospital stay for delivery is under four days. Some insurance plans place a flat rate payment for maternity benefits instead of covering the actual cost of the delivery as other hospital costs are covered. The comments received from the Office of the Assistant Secretary for Legislation suggested that maternity benefits as well as non-maternity benefits should be allowed to be covered by cost-sharing. The Committee considered this suggestion but continues to believe that the entire cost of the stay for maternity should be covered.

In many health insurance plans maternity benefits are included only for married workers or sometimes only for wives of male workers. Daughters of insured workers are poorly covered;

if at all. Each year some 200,000 unmarried adolescents have babies, a major high-risk group with a high proportion of low birth weight infants.[8]

More and more insurance policies are covering such things as vasectomies for men, usually defined as an out-patient surgical procedure, and tubal ligation for women. In view of the recent Supreme Court decision of January, 1973, abortions are more widely available and should be covered.

According to the Equal Employment Opportunity Commission Guidelines on Discrimination Because of Sex published April 4, 1972, under any health or temporary disability insurance or sick leave policy available in connection with employment, disabilities caused or contributed to by pregnancy, childbirth, or recovery therefrom are to be treated as temporary disabilities.[9]

An increasing trend is for women to seek treatment by women health professionals, e.g. mid-wives, nurse practitioners, meaning delivery of children by mid-wives or nurse-obstetricians should be covered. This type of delivery is usually performed outside of the hospital.

The new born infant is sometimes excluded from the family policy at the date of birth, which is the time some premature infants need coverage the most. Limits on coverage of preexisting conditions sometimes exclude infants born with congenital anomalies. Such lack of coverage is catastrophic to the young family faced with this financial and economic burden.

National health insurance should include all family planning options. At this time many insurance policies do not cover medical fees or the cost of contraceptive supplies. However, with a move in the direction of health promotion and maintenance comprehensive supportive services for the well become as urgent as rehabilitative services for the sick.

Some policies have covered the expense of laboratory expenses and examinations for health needs unique to men, e.g. genitourinary, but they have not always covered related laboratory tests for diagnostic needs of women.

C. FAMILY PLANNING SERVICES

1. *DHEW should take steps to strengthen the family planning programs administered by FDA, NIH, SRS, and HSA through the following:*

   a. *Increased availability of services,*

   b. *Comprehensiveness of services,*

   c. *Expanded contraceptive research,*

   d. *Improved presentation of contraceptive information,*

   e. *Recognition of the "genocide" issue, and*

   f. *Adequate funding.*

There is more than adequate evidence to support the value of family planning programs. The literature addresses itself to many aspects of fertility and overwhelmingly concludes that there is a strong public interest in access to family planning services. In both the literature and in public testimony presented to the Committee, the common themes are: the timing of family formation, the size of the family, the separation of women from the labor market, the unwantedness of many children, and the health consequences of excess or unwanted pregnancy have significant impact on the economic well-being of the nation.

The Committee is pleased that the Department has increased the availability of family planning services to welfare recipients in the coming year. The easing of the rules requiring needy women not on welfare to wait until they are three months pregnant to get family planning aid is a welcome change. It has just been announced by the Administrator of SRS that family planning will be re-established as a priority program for the Department in its new five-year plan for welfare and rehabilitation. The Committee heartily endorses this decision.

Essential to the success of Federal family planning programs is an open door policy regarding availability and access. In FY '72, at least 8.8 million women of child-bearing age (15-44) were barred from family planning services by reason of income.[10] Other criteria such as age, marital status, parity, and geographic location barred another 8.1 million.[11] The attitudes of legislators, professionals, private individuals and agencies have contributed to this problem, since access to family planning services in necessary before untimed or unwanted conceptions can be curbed. "Access to birth limitation methods before families are in poverty is needed to prevent poverty that is due to increased family size; in particular younger couples with few or no children need this protection. Universality of access also involves availability of a variety of birth control methods–pre and post conception, male and female, chemical, physical, surgical–so as to accommodate varying susceptibility to side effects, anatomical problems, personal and conjugal preference, social customs, and economic conditions.[12]

In the preparation of rules and regulations relating to family planning services it should be emphasized that services are to be made available without regard to parity, age, marital status, or income. It should be continuously underscored that the emphasis of family planning services is as a preventive health service. In travels to the regions, the Committee members learned about women who were denied family planning services due to such regulations as "the center can only answer questions but cannot freely distribute materials on family planning." Income requirements also kept women from obtaining family planning services. After these women had a child, they had to resort to welfare to support the child. This later problem also occurred due to some doctor's attitudes about giving family planning information to unmarried women or girls under the age of 18.

To be truly comprehensive, a family planning program must contain all of the following: 1. the full range of contraceptive methods, devices, and supplies administered by professionals, 2. male and female sterilization procedures, 3. analyses and testing for cancer of the cervix and breast, gonorrhea and syphillis, 4. infertility services, 5. counseling (genetic, family planning, pregnancy termination, and maternity care), and 6. pregnancy termination.

The population at risk of complication in reproduction is vast. It included most of 45 million women between the ages of 15 and 44, thousands of men who undergo vasectomy procedures, and numerous women younger than 15 and older than 44. In spite of the widespread use by these groups of contraceptive pills and intrauterine devices, many unwanted pregnancies occur because of failure, dissatisfaction, or difficulty with the method. Recently, attention has been drawn to the problems encountered by women using the IUD and of government seizure of one particular type of IUD.[13] In view of the size of the population involved, there is a need for greatly expanded Federal support of research for improved contraceptive methods. In the course of such research, extreme caution should be exercised in the use of placebos of no contraceptive value in group studies (even where "consent" is obtained).

Today there is need for improved contraceptive information making use of existing media including radio, TV, and films to permit a reasoned and fair presentation of current methods. FDA publications should be translated into several languages since many Spanish-speaking women among others cannot avail themselves of the information. Also, much of the material published is not readily understood by the public and should be written with the consumer in mind.

Family planning services which can be interpreted to be aimed solely at specific target populations can be construed as "genocidal." In acknowledgement of the problem, regulations which require the participation of consumers or potential consumers in the planning and operation of services is praiseworthy. In addition, Federally-supported programs can benefit by data derived from studies of black attitudes towards family planning. One study discovered that there is a strong preference for black-operated birth control clinics among many blacks.[14] Continued monitoring may reveal additional infortion of value to the Department.

Since 1968, organized family planning programs have obtained support from significant increases in government funds and have increased their enrollment by about 30 per cent each year. By June 30, 1972, it was estimated that more than 2.6 million low or marginal income women were being served. This number represents half of the national objective set by President Nixon in 1969. However, continued Federal support is absolutely necessary if progress is to continue or even if the programs are to maintain their current levels. From 1967 to 1970, these programs cost $174 million. The savings to the government in reduced public assistance and medical care is estimated at between $431 and $508 million for each year following a Federal appropriation for family planning.[15] For the period of FY '73-75, $802 to $906 million will be required to maintain the level of support projected in the DHEW Five Year Plan for Family Planning Services. The immediate savings to the government will be $2.0 to $2.6 billion for the corresponding three-year period.[16] On the basis of these and other evidence, the Committee strongly urges that family planning programs are fully funded in keeping with the DHEW Five Year Plan for Family Planning Services.

D. HEALTH PROFESSIONALS

1. *The Health Resources Administration should initiate action to explore revision of DHEW policy to meet the health-care delivery needs of our nation including:*

    a. *Active enforcement of Title VII and VIII of the Public Health Services Act as amended in 1971 to seek more women applicants and to admit more women to medical schools.*

b. *Permitting greater flexibility in the use of certified nurse practitioners such as maternity nurse practitioners and other health workers to offset the immediate relative non-availability of physicians for preventive health services, and*

c. *Placement of physicians and nurses in rural and inner city areas through the National Health Service Corps.*

Today's shortage of personnel in the health professions should mandate the encouragement and support for admissions of women to all health related training programs. In 1971 Congress amended the Comprehensive Health Manpower Act and the Nurse Training Act banning discrimination in admissions on the basis of sex. Not only should these regulations be actively enforced but the Department should withhold all grants to those medical schools who do not comply with the law.

The experience of countries such as England, Israel, and Sweden, in the use of nurse mid-wives has been clearly positive.[1] Certified nurse mid-wives, with physician backup, can manage the obstetrics and gynecological care of the normal patients who constitute the major portion of women in this category. The focal position of the physicians in the U.S. has meant that health services are unavailable and inaccessible to many communities. Since many physicians do not choose to practice in rural and inner city communities, nurse mid-wives, if trained in sufficient numbers, have the potential for easing this situation. Continued support to States and programs involving nurse mid-wives and increased funds for training are necessary to meet the need in this area. Legislation enabling nurse mid-wives to practice is necessary in many States and should be publicly encouraged and supported by the Department. However, cautions must be taken to preclude the use of nurse mid-wives solely for poor or rural communities since this only fosters a dual system.

Incentives should be developed and implemented to train health practitioners from among the people to be served and to return them to their own area to locate permanently.

REPORT OF THE EDUCATION SUBCOMMITTEE

INTRODUCTION

The Subcommittee on Education chose to focus on three specific areas affecting women: (A) DHEW Enforcement of Nondiscrimination in Educational Institutions, (B) Adult Education, and (C) Educational and Vocational Counseling for Girls and Women. In addition, the Subcommittee also took cognizance of the financial picture for Fiscal Year 1974 and attempted to formulate recommendations which could be implemented without the expenditure of large sums of new money.

The findings of the Subcommittee received through testimony in the regions serve to underscore some recommendations similar to those contained in the November, 1972, Report of the Commissioner's Task Force on the Impact of Office of Education Programs on Women, *(A Look at Women in Education: Issues and Answers for HEW).* It is our understanding that the Commissioner of the Office of Education has expressed support for the report and is preparing a timetable for implementation of the recommendations.

The Committee feels strongly that discrimination in education is the most serious injustice suffered by women because it denies them the right not only to an equal education but also to equal employment opportunities.

Comments received from the Office for Civil Rights enumerate their activities to date in publicizing Title IX of the Education Amendments of 1972. These efforts are to be commended, however, having talked with educators and with our own experience on university campuses and with elementary and secondary school systems, we know this is only a small beginning. As soon as the Regulations are distributed, the educating must go into full force. The comments received from the Office of the Assistant Secretary for Planning and Evaluation highlighted further areas of study, some of which have been incorporated.

Members of the Education Subcommittee were: Dr. Daryl Bem, Chairperson, Walter Abrams, Dr. Mary Bunting, Juliette Ruiz, and Dr. Mildred Smith.

RECOMMENDATIONS

A. DHEW ENFORCEMENT OF NONDISCRIMINATION

1. *To implement Title IX of the Education Amendments of 1972:*
   - a. *The Office for Civil Rights should release immediately the Title IX Regulations,*
   - b. *The Office of Education, the National Institute of Education, and the Office for Civil Rights should publicize the Title IX provisions in all possible ways, and*
   - c. *The Office of Education should place special emphasis on publicizing Title IX coverage of employment practices in elementary and secondary school administration.*

The passage of P.L. 92-318 marked the beginning of a ban on sex discrimination in any educational program or activity receiving Federal financial assistance. As is clear from our previous experience with other antidiscrimination legislation, enforcement of these laws is virtually paralyzed until Regulations have been published. Title IX of the Education Amendments of 1972 went into effect on June 30, 1972. To date the Regulations for Title IX have not been published. In the Committee's view, the appearance of these Regulations is too long delayed. These should be released as quickly as possible so that interested parties will have time to comment and then be published in final form after those comments are considered. The subsequent release of guidelines should also be considered a matter of urgency.

In the Committee's hearings in DHEW regions, the members repeatedly learned of administrators who were still unaware of the illegality of many of their practives. Noncompliance due to ignorance of DHEW antidiscrimination provisions seemed at least as common as noncompliance due to resistance. Accordingly, it is crucial that OE, NIE, and OCR require assurance statements in all contracts and grants, including assurance statements from individual Principal Investigators, who most frequently make the final employment decisions about technical personnel on scientific research projects. All available channels of communication should be used to notify public and private school administrators of Title IX provisions as well.

Under Title IV of the 1964 Civil Rights Act funds were provided for informing administrators of race discrimination provisions through institutes and workshops. The Committee recommends that funds be expanded to now provide for workshops and institutes to disseminate information and advice concerning Title IX and other sex discrimination provisions now in operation. It may even be appropriate to conduct separate institutes or workshops on sex discrimination provisions since these are newer and are not as widely understood.

Even those of us who are accustomed to looking at statistics on sex imbalances in all institutions are capable of being shocked by the lack of progress toward sex equality in elementary and secondary school administration. As noted in the OE Task Force Report, 67 per cent of all public school teachers were women in school year 1970-71, but women constituted:

31 per cent of the department heads
15 per cent of the principals, and
0.6 per cent of the superintendents[18]

The kinds of practices which produce such statistics are now illegal, therefore, all DHEW administrators who speak at public forums should emphasize this point and inform the public about the legal tools now available for ending this sex imbalance.

2. *Regulations for Title VII and Title VIII of the Public Health Service Act as amended by the Comprehensive Health Manpower Act and the Nurse Training Amendments Act of 1971 should be released immediately by the Office for Civil Rights.*

Today's shortage of personnel in the health professions should mandate the encouragement and support for admission of women to all health related training programs. In 1971 Congress amended the Comprehensive Health Manpower Act and the Nurse Training Act banning discrimination in admissions on the basis of sex. To date the implementing Regulations have not been released by the Department. Active enforcement of these laws is necessary. Therefore, these Regulations should be released immediately and the release of subsequent guidelines should be considered a matter of urgency.

3. *The Office for Civil Rights should require universities and other educational institutions to circulate their proposed affirmative action plans to all members of the institutional community with a designated response period provided.*

Under Executive Order 11246, as amended, all educational institutions which are Federal contractors are required to file an Affirmative Action Plan with the Office for Civil Rights. In the writing of these affirmative action plans, the aggrieved individuals on many campuses have had no input into the statement and in many cases have had difficulty in obtaining a copy of the plan.

Before rules and regulations are issued by Government agencies, the Administrative Procedure Act provides that notice of proposed rulemaking must be published in the Federal Register and interested persons must be given an opportunity to participate in the rulemaking through submission of data, views or arguments.[19] Under Revised Order 4, issued December 4, 1971, by the Office of Federal Contract Compliance, the existence of a contractor's affirmative action plan must be communicated to the employees and elements of the program which will enable the employees to know of and avail themselves of its benefits must be made available.[20]

Therefore, in keeping with the principle of Revised Order 4 and the Administrative Procedure Act, the Committee believes that educational institutions should be required to publish their affirmative action plans so that the affected individuals at the institution have the opportunity to comment before affirmative action plans are submitted to DHEW for approval.

4. *The Office for Civil Rights, Division of Higher Education, should take the necessary steps to ensure enforcement of the Federal laws and regulations concerning sex discrimination.*

To ensure adequate enforcement of Title IX of the Education Amendments of 1972, Executive Order 11246 as amended by 11375, the Comprehensive Health Manpower Act and the Nurse Training Amendments Act of 1971, the staff of the Office for Civil Rights, Division of Higher Education, should take whatever steps are necessary since the enforcement of these laws and policies are important in assuring equal educational and employment opportunities for women. The lack of a quick response–indeed, any response at all–to sex discrimination cases filed with DHEW by women in higher education was a major source of frustration and anger which the Committee encountered in its visits to the regions. The Committee is aware of the staff limitations in the Higher Education Division and heartily endorses the budget request for FY '74 for 50 additional positions for the function of ensuring active enforcement to achieve the elimination of discrimination in education.

5. *The Office for Civil Rights in DHEW should establish a system for more coordination among OCR, the Equal Employment Opportunity Commission, the Wage and Hour Division and the Office of Federal Contract Compliance in the Department of Labor.*

The enforcement of Federal laws, executive orders, and regulations concerning sex discrimination in educational institutions is handled by the following: Executive Order 11246 as amended by 11375, Title IX of the Education Amendments of 1972, and Title VII and Title VIII of the Public Health Service Act by the Office for Civil Rights, DHEW; Title VII of the Civil Rights Act of 1964 by the Equal Employment Opportunity Commission; and the Equal Pay Act of 1963 as amended by the Education Amendments of 1972 by the Wage and Hour Division, DOL. The Executive Order is also enforced by the Office of Federal Contract Compliance, DOL, who has the overall responsibility for enforcement.

This coordination of effort should assist each agency in making referrals. Also, coordination on compliance review teams would enable all the various agencies examining a complaint at a college or university to go together in their examination of the institution's files.

The problems of enforcement by the Office for Civil Rights might be lessened if all the enforcement agencies working on sex discrimination cases could coordinate their efforts. Moreover, this would lessen some of the frustration of those women who find themselves having to file cases with several different Federal agencies to get a single adequate response.

The Office for Civil Rights has informed the Committee of its agreement with the Employment Standards Administration of the Department of Labor regarding enforcement of Title IX of the Education Amendments of 1972. The Committee encourages further cooperation of this type for the elimination of discrimination in education.

B. ADULT EDUCATION

1. *DHEW should press for adequate programs and financial assistance for women wishing to return to education, especially those preparing to enter the labor market or to upgrade their current employment. Such programs should take full advantage of:*

    a. *Title I of the Higher Education Act of 1965 as amended by the Education Amendments of 1972. As yet no funds have been budgeted for this purpose; the Committee urges that this be remedied as soon as possible,*

    b. *The Program for the Improvement of Postsecondary Education for innovative changes in postsecondary education to meet the changing roles of women in American society and for the creation of educational counseling centers,*

    c. *The expanded Adult Education Act now before the Congress for innovative experimental projects, and*

    d. *The Basic Educational Opportunity Grants Program to assist in making available the benefits of postsecondary education to eligible students by providing assistance in meeting the cost of such education.*

One of the most profound changes in American education in this century is the shift from the concept of education as preparation for life and work to the concept of it as a continuing part of a person's entire life. A recent survey condicted for the Carnegie Commission on

Non-Traditional Study indicated that approximately 75 per cent of the adults in the nation would like to take part in some form of continuing education, the majority for vocational reasons.[21]

Women have returned to colleges and universities in such numbers that many institutions have established special courses and counseling programs to meet their needs during the period when they are readjusting themselves and their families to schedules that include serious study. The needs of adult students have also induced many academic institutions to make their requirements and schedules more flexible than seemed necessary when their clientele were young full-time students without other commitments. Such flexibility is essential to women with family responsibilities.

Many women who wish to continue their education face serious financial problems. The Committee was particularly struck by the testimonies of minority women on welfare and of those recently divorced. Those of the first two categories often needed basic English and/or quantitative skills as well as typing, training in social work or some other specific vocational skill in order to secure a decent job. The main problem facing these women was that they had no way of educating themselves without neglecting their children. They were particularly bitter about the fact that if their children were placed in a foster family, that family would be paid. With the same pay, these women could soon qualify for a job that would enable them to be self-supporting.

The relatively well-educated, middle class divorced woman with children faces similar problems. She needs considerable training to handle the kind of job of which she is capable but cannot afford the time or the money that such training entails. No-fault divorce has aggravated the problem because as yet procedures have not been worked out to ensure that property division reflects her past contribution to the family or her own needs and those of the children. In these cases as with welfare mothers and many others our society eventually pays a tremendous price in human as well as economic terms.

The median age of women workers is now 39 years. The number of working mothers has increased eight-fold since 1940.[22] Since 1967, more than half of the widowed benefits under social security have been received by women on their own earnings records.[23] Women do work–but not at the levels they could assume with adequate education.

Educational opportunities are also vitally important to professional people if they are to keep abreast of developments in their disciplines or prepare to move into related fields that may be opening as their own specialities close. Opportunities for citizens at all levels to find cultural enrichment and civic enlightenment through education become increasingly urgent in our post-industrial society. Ways must be found to see that appropriate educational opportunities are realistically available to adults of all ages. The majority can and will pay their share of the costs but it is sort-sighted indeed not to make provision to finance the costs for those who are highly motivated and could make good use of their training but cannot afford the cost of this education. The Committee, therefore, calls attention to the recommendations that follow.

Title I of the Higher Education Act of 1965 was designed to strengthen community services and continuing education and support special projects exploring solutions to problems of social change but the President's budget for FY '74 included no funds for Title I. The

Committee is aware of the Department's proposals for revenue sharing but believes that Federal leadership and commitment are essential at this formative period. It urges that every effort to seek adequate funding in FY '74 or FY '75 at the latest be made.

Title I of the Education Amendments of 1972 authorizes the Commissioner of Education to make grants to, and contracts with, institutions of higher education to assist them in carrying out special programs and projects designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.[24] These goals certainly lend themselves to seek solutions to the special needs of women returning to educational institutions.

Also, under the Education Amendments of 1972, the Program for the Improvement of Postsecondary Education was established to assist in the improvement of education for social responsibility, education for a productive life through career and professional preparation and the enhancement of personal satisfaction through education.[25] Special consideration should be given to programs to prepare women from disadvantaged backgrounds for significant careers to which their life experience and understanding of the problems can contribute so much.

So that information available on the various types of continuing education programs that are being offered by corporations, unions, voluntary agencies, community colleges, universities, etc. is readily accessible, funds should also be made available under the Postsecondary Education Program for support of educational counseling centers.

The National Advisory Council on Adult Education in their Annual Report submitted March, 1973, to the President, addressed legislative specifications for an expanded Adult Education Act (Title III of the Elementary and Secondary Education Amendments of 1966).[26] Non-discrimination on the basis of sex should be assured in this proposal. Throughout the granting of funds for special projects, an effort should be made to sponor projects which are designed to eliminate all sex-role stereotyping of careers and occupations in the curriculum.

Many women can pay for their education as adults but some who could greatly benefit from appropriate training cannot afford either the direct or the indirect costs involved. The Committee is very pleased that the Basic Educational Opportunity Grant Program makes provisions for adults engaged in continuing education whether on a full-time or a part-time basis. The Committee urges that this Program be continued and expanded in the future.

C. EDUCATIONAL AND VOCATIONAL COUNSELING

1. *The Office of Education and the National Institute of Education should monitor all funding of training programs, such as the Special Experimental Demonstration Projects and Teacher Training under the Adult Education Act of 1966, for professional counselors and teachers to assure that efforts to overcome sex-role stereotyping are included in all such programs.*

Non-sexist counseling in schools, colleges, and communities, whether by professional guidance people, by teachers or by others who fulfill this function, is essential to the basic changes in attitudes that must occur before equality can be achieved. Teacher training and other programs that prepare those who perform counseling functions must be drastically revised if they are to gain an understanding of the broad implications of equal opportunity for our society. This is a slow process that itself depends on the re-education of educators. More direct remedies are required. By means of summer institutes and other programs for those presently involved in counseling the situation could be improved. As a minimum materials and instruction designed to overcome rather than reenforce sex stereotyping could be included in all training sessions supported under Title IV of the Civil Rights Act of 1964. The fact that sex discrimination has not been dealt with in such programs is a serious omission. In addition vigorous efforts should be made to develop and disseminate educational materials on sexism for the enlightenment of teachers, guidance personnel, career counselors, and the general public.

2. *The Office of Education and the National Institute of Education should give top priority to the development of more effective counseling and education of females at all levels and should publicize the availability and funding of such programs.*

Research proposals funded by OE and NIE should further the educational motivation and achievement of women through programs designed to develop better methods of training and retraining educational and vocational counselors, of training women for administrative positions in schools and colleges, of bringing new groups of women into health and community services, and of encouraging girls and women to prepare for positions of leadership in government, the professions and private enterprise. The awarding of grants by DHEW for such things as: (1) studying attrition of women students in the various male-dominated fields such as the sciences, (2) for restructuring the college to meet postsecondary educational needs of "non-college age" women including minority women, (3) to establish women's centers for career and life planning, and many others. These awards just made by the Fund for the Improvement of Postsecondary Education should be given widespread visibility as exemplier of the types of programs being funded by the Department to end sex-role stereotyping in education.

REPORT OF THE SOCIAL SERVICES AND WELFARE SUBCOMMITTEE

INTRODUCTION

The Subcommittee on Social Services and Welfare studied three areas of concern: child care services, welfare, and social security. The Committee is submitting specific recommendations to correct social security inequities identified by the Committee.

In each region as well as in Washington, the Committee received testimony from women seeking jobs to get themselves off the welfare rolls, from women seeking an education or a job to up-grade their economic position, and from many other individuals working to improve the status of women. The one recurrent theme was the need for child care. The Committee adopted child care as a prime priority and will be reviewing current programs and anticipated needs in the coming year. Many offices within the Department are concerned about child care from varying points of view–from the educational value of the program, the actual care of the child, teacher training, etc. The Committee will focus on the issue of child care as it specifically affects the status of women.

On a long range basis, it was determined that a study should be undertaken on welfare reform. It is obvious that our present welfare system is not adequate. Instead of locking people into poverty, a welfare program should instead help people to help themselves. As the President said in his State of the Union message, March 1, 1973, "a (welfare) system which penalizes a person for going to work and rewards a person for going on welfare is totally alien to the American tradition of self-reliance and self-respect." The Committee realizes, of course, that there has been a myriad of materials written on "the welfare problem" and that various programs have been tried and have failed. Our Committee cannot hope–nor does it wish–to repeat what has already been said or done or studies which have already been undertaken. But the Committee will look at welfare reform as it affects women, and work with Department officials to ensure that a responsive system is developed.

The third area explored by the Subcommittee was the social security system. Through testimony received, the Committee has prepared an analysis for social security reform. The following recommendations should be examined in view of the likelihood of passage of the Equal Rights Amendment to the U.S. Constitution within the next two years, in addition, to meeting the needs of an ever changing society.

Comments received from the Social Security Administration suggested that the Committee take a look at these recommendations in relation to their program costs. In doing so the Committee found these costs to be as follows: to provide working couples the option of figuring their benefits on the basis of each individual's earnings record or combining their income – .17 per cent of the payroll; to eliminate the dependency requirements – .1 per cent of the payroll; to change the computation of benefits – .1 per cent of the payroll for each additional year of dropout; to eliminate the 20/40 disability requirement – 1/3rd of .01 per cent of the payroll; and to provide full benefits to disabled widows and widowers, and disabled wives and husbands – very costly but no specific amount available. The Committee recognizes that all of these proposed changes are of equal importance for the elimination of sex discrimination, but we are cognizant of the fact that sometimes financial considerations determine priorities. Thus, the Committee ranks in order of priority its recommendations as follows: (1) combined earnings for married couples, (2) revised computation of benefits, (3) elimination of disability test, (4) provide adjustment period benefits to childless survivors, (5) extend full benefits to disabled spouses or survivors, and (6) elimination of dependency requirement.

Many times it is argued in Congress that any increase in funds for social security should be spent to give the benefit of the increase to the largest number of people. The Committee believes it is now time for the Department to recommend that some of this money be spent to correct the inequities described in the following pages.

Members of the Social Services and Welfare Subcommittee were: Betty Southard Murphy, Chairperson, Dorothy Bolden, Carol Hatanaka, and Barbara Kilberg.

RECOMMENDATIONS

A. SOCIAL SECURITY

1. *The Social Security Act should be amended as follows:*

   a. *To provide working married couples with the option of figuring their benefits on the basis of each individual's earnings record or combining their income as is possible under the income tax system, whichever would give them the highest benefit,*

   b. *To provide benefits to husbands and widowers of women workers (retired, disabled and/or deceased) applying the same conditions that are used for wives and widows of men workers by assuming that he was dependent upon his wife unless his own benefit was higher than his benefit as a husband or widower,*

   c. *To compute the amount of one's benefit on the highest five or ten years of paid employment,*

   d. *To eliminate the 20/40 disability requirement,*

   e. *To provide full benefits, regardless of age, to disabled widows and widowers, and disabled wives and husbands, and*

   f. *To provide monthly benefits for a limited adjustment period to childless widows and widowers who chose to stay home and not work outside the home and do not now qualify for benefits to help them adjust to the immediate loss of income and to ready themselves for work outside the home.*

The Social Security Act was amended in 1939 to strengthen protection for families by providing benefits for the dependents and survivors of insured workers. At that time, to avoid detailed investigation of family financial relationships, the decision was made to base dependency determination on the then generally accepted presumption that a man is responsible for the support of his wife and children. A change in the number of women workers from 14.7 per cent of married women with husband present in the labor force in 1940[27] to 40.8 per cent in 1971[28] has focused more attention on the two-income families.

Many married women who work outside the home receive no more benefits at retirement age than they would have if they had only worked in their own home and had taken the benefits based on their husband's earnings. One obvious reason for a working wife's low retirement benefit is that women have traditionally been paid lower wages. A working wife has, of course, had the insurance protection against loss of her own earnings due to disability or death for herself and her dependents.

When both husband and wife work, their combined retirement benefit varies relative to the amount earned by each person. If their combined earnings are below the taxable minimum for one worker (or even slightly above), the sum of the benefits to which they are entitled on their respective work records is usually smaller than one and one-half times the amount to which a man with a dependent wife would be entitled if his earnings had been equal to their combined earnings. This situation is aggravated to the extent that a wife receiving a retirement benefit is entitled to a supplementary benefit only when her husband's average earnings are at least three times as large as hers. Moreover, if the wife earns more, a husband is not entitled to a secondary benefit unless there is proof that his wife had provided half his support. When the couple's combined earnings are considerably above the taxable maximum for one worker, the couple will pay more social security taxes and get a larger benefit than if only one spouse worked and earned the same amount.[29]

Proposals to improve the social security benefits received by working married couples have been made by the Social Insurance and Taxes Committee of the President's Commission on the Status of Women;[30] by the Citizen's Advisory Council on the Status of Women;[31] by the President's Task Force on Women's Rights and Responsibilities;[32] by the Women's Action Program of the Department of Health, Education, and Welfare;[33] and by Congresswoman Martha Griffiths in H.R. 1507. These various proposals include a PIA (primary insurance amount) calculation on the basis of the couple's combined earnings crediting each spouse half of their combined earnings every year during the period of marriage, and a PIA calculation based on each person's earnings. The Report of the 1971 Advisory Council on Social Security also studied this area. Although not recommending any change in the present law, the Council did select three alternative proposals for possible consideration by the Congress. Under each alternative, the earnings of a man and wife in each year would be combined and credited up to the maximum of annual earnings that is credible for the year, and the benefits of the couple would be based on these earnings.[34] The Committee recommends a system similar to the income tax structure where the couple has a choice of filing a joint return or individual returns.

A wife or widow is presumed or "deemed" dependent on her husband; she can become entitled to benefits on his social security account without regard to whether she actually suffers an economic loss because of his retirement, death or disability. A husband or widower, however, must show that he was dependent on his wife for at least half his support before monthly benefits can be paid to him on her social security account. Thus women, paying the same social security tax rate, may gain less benefit for their families than men do. The Committee proposes that the social security system provides similar conditions for husbands and widowers to qualify for benefits of women workers as they now apply to wives and widows. The 1971 Advisory Council on Social Security in its report to the

Secretary pointed out that those men who would then become eligible for benefits under this system and who were not eligible before would be husbands who worked for non-covered employment, i.e., Federal employment and certain State and local employment.[35] It would seem that a system could be devised for individuals who work under social security and whose spouse works in uncovered employment which would be equitable in its application regarding dependency requirements. Thus a husband would be assumed dependent on his wife unless his benefit as a worker was higher than his benefit as a husband or widower. The recent decision of the United States Supreme Court that struck down the provisions of the military compensations statutes which required married servicewomen, but not married servicemen, to prove that their spouses were actually dependent upon them before being granted special housing and medical allotments can be used as precedent for making this change in the social security system. Four justices contended that sex discrimination has become as suspect under the Constitution as racial bias.[36]

For women who work for pay during part of their lives, the time spent in home-care activities diminishes the amount of the retirement benefit to which they are entitled on their own earnings record. The number of women receiving benefits as retired workers multiplied twenty-fold between 1950 and 1971, while the number of retired men beneficiaries rose less than sixfold.[37] In 1967, 39 per cent of the married women beneficiaries and 52 per cent of the widowed beneficiaries were receiving benefits on their own earnings record.[38] This difference reflects the steady growth of women in the labor force since 1940 and their longer duration in the labor force.

The sharing of financial responsibilities and household and child care responsibilities between both partners in a marriage is a trend that the social security system must examine. Thus, with widening opportunities for employment in higher paying jobs for women, establishment of child care centers, and additional opportunities for promotion, it is no longer true that all husbands are the "prime" wage earner in the family and that the wife always drops out of the labor market to raise their children. Currently, benefits are figured on a career earnings average. To allow people to leave the labor market to attend to these unpaid home responsibilities, the Committee suggests a change in the system of benefit computation to that of averaging the highest five or ten years of paid employment.

The individual disabled after age 31 must be both (1) fully insured and (2) must have at least 20 quarters of coverage (5 years of work) during the 40-quarter (10 year) period ending with the quarter the individual is disabled. (The statutory blind individual is an exception and need only be fully insured.) Although disabled men and women must meet both tests, women are more adversely affected by the 20/40 requirement since they more frequently leave the labor market to stay home after marriage, or remain at home with their young children at least during their early years. Should the woman who met both tests at the time she left work become disabled after the second requirement is no longer met, not only could no disability benefits be paid even if she were permanently fully insured but her disability would prevent her from again acquiring disability insured status. Therefore, the Committee recommends eliminating the 20/40 requirement.

Disabled widow benefits cannot be paid until age 50. Disabled wives have no coverage under social security. (Benefits cannot be paid to a wife of a retired or disabled beneficiary unless she has children in her care or until she reaches age 62.) The widow must meet a more restrictive definition of disability than the individual applying for disabled worker benefits and the disabled widow does not have the right to a trial work period. Further, the disabled widow monthly benefit now payable at age 50 is a greatly reduced benefit (as compared with benefits payable to aged widows). These benefits range from 50 per cent to 71 and one-half per cent of the spouse's primary insurance amount.[39] The reduced amount is based on the age of the widow at entitlement. Since totally disabled widows cannot support themselves any more easily than aged widows, the Committee believes that the widow of a man worker or the widower of a woman worker should receive the same percentage of the worker's benefit as that paid to a widow or widower who starts benefits at age 65. Also, a disabled widow is no more able to support herself before she has reached age 50 than she is after she attains that age. Therefore, the age requirement for disabled widows and widowers should be removed.

Disabled wives are not covered under social security. (Benefits cannot be paid to a wife of a retired or disabled beneficiary unless she has children in her care or until she reaches age 62.) Benefits have not been provided at an earlier age for a beneficiary's dependent husband or for a wife because the spouse is presumed to be able to work and support himself or herself, if necessary. However, in the case of a disabled wife or husband, this presumption is not valid. Therefore, as recommended by the 1971 Advisory Council on Social Security, the Committee recommends that disabled wives of men workers and husbands of women workers should be entitled to the same benefits as aged wives and husbands, regardless of age.[40]

The widow left without children in her care who does not qualify for disabled widow benefits or for aged widow benefits at the time of her husband's death receives a lump sum survivor's benefit. The widow would not receive a monthly payment until she reaches age 50 if disabled or until age 60, that is, if her husband had worked long enough to be insured under the social security program. For those women or men who exercised their option to stay home, there is no provision for their adjustment to the need to return to or enter the labor market. Skills they may once have had may be rusty or they may never have had skills that an employer seeks. Consideration might be given to providing monthly benefits for a six-month adjustment period. This might be worked out in cooperation with manpower training or the Office of Education, depending on the needed training or education.

2. *The Social Security Administration should report to the Secretary its findings within FY '74 on the following studies now in progress including the feasibility of any legislative remedies:*

   a. *Coverage of homemaking and child care services, and*

   b. *Rehabilitation goal to restore the ability to maintain the home or care for children.*

Today there is a recognition of the economic contribution made to maintain a household. The major responsibility for the home still belongs to the wife and mother, even though this societal pattern may change some time in the near future. A recent study has attempted to measure the economic contribution of each member of the family. The three factors affecting the time spent by each were the number of children, age of youngest child (or age of the wife if there were no children) and the employment of the wife.[41] A similar study would have to be initiated for single persons since most individuals maintain a household and some single persons have dependents.

These studies now in progress should determine the cost to a family, whether it is a two-parent family or a single-parent family, to replace the services performed to maintain the home. A value for these services should be figured to establish the advisability of coverage under the social security system. Several alternative proposals for coverage should be developed to determine the best possible method of financing and coverage.

Rehabilitation services for those receiving disability benefits can be financed by the Social Security Trust Fund. For trust fund financing, the rehabilitation objective is "that savings will result for the Trust Funds." Since return to gainful employment and removal from the disability roles is the objective of the Trust Fund, a goal to restore the ability to maintain the home or care for children cannot fit into the present system as these services do not constitute gainful employment. If social security credit were given for homemaking activities, then perhaps a goal of rehabilitation could be a return to these activities.

The Women's Action Program Report of January, 1971, suggested that related research in these areas be considered by the Social Security Administration.[42] The Committee is pleased to hear that these studies are in progress and urges the Secretary's consideration of the coverage of homemaking responsibilities.

3. *The Secretary should recommend to the Secretary of the Treasury that the Internal Revenue Code be amended to allow men and women with disabled spouses requiring care at home or in an institution to benefit from the deduction for care of "dependents," which currently does not include spouses. This deduction for a housekeeper, nurse or institutional care of the disabled spouse or any children of the couple should be considered a business expense.*

The present law does not allow men or women with disabled spouses requiring care at home or in an institution to benefit from a tax deduction. Such a couple can deduct only expenses for care of "dependents," which by definition does not include spouses. This deduction for care of "dependents" is now a personal deduction from taxable income. Therefore, only those taxpayers who are homeowners are likely to benefit from this deduction.

The Committee believes the deduction for a housekeeper, nurse or institutional care for the disabled spouse or any children of the couple should be considered as a business expense since the care of the disabled spouse is necessary to enable the other spouse to be gainfully employed.

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APPENDIX A

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

1973
Elizabeth Athanasakos, Chairperson
Municipal Court Judge and
Practicing Attorney
Fort Lauderdale, Florida

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Rose Bud, Arkansas

++Nina Woodside, M.D., M.P.H.
Associate Professor
Health Care Administration
George Washington University
Washington, D.C.

Staff

Karen Keesling
Executive Secretary

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*Ex-officio Member

**August 1, 1973 became Vice President for Academic Affairs, Mount Vernon College, Washington, D.C.

***Ex-officio Member until February, 1973

+September 1, 1973 became Assistant Director, Mid-Atlantic Region of Planned Parenthood-World Population, Philadelphia, Pennsylvania

++August 1, 1973 became Director, Center for Women in Medicine of the Medical College of Pennsylvania, Philadelphia, Pennsylvania

APPENDIX B

MEETINGS OF THE SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

FIRST MEETING

June 27-28, 1972
Washington, D.C.

Various DHEW officials including the Secretary spoke to the Committee regarding the function and activities of their various agencies.

SECOND MEETING

August 3-4, 1972
Washington, D.C.

Personnel from OE and OCR discussed sex discrimination in education. The new directors of FWP and WAP discussed the role of their offices and their relationship to the Committee.

THIRD MEETING

September 28-29, 1972
Washington, D.C.

Current plans and activities as well as future plans of the WAP, FWP, and the Committee were discussed.

FOURTH MEETING

November 30 – December 1, 1972
Dallas, Texas

The Committee received testimony from DHEW regional personnel as well as from members of the general public.

FIFTH MEETING

February 8-10, 1973
San Francisco, California

The Committee divided into subcommittees to hear testimony from as many HEW personnel, representatives of women's organizations, and individual women as possible.

SIXTH MEETING

April 5-6, 1973
Washington, D.C.

The Committee returned to Washington to talk with a few HEW officials and begin drafting their recommendations.

SEVENTH MEETING

June 22-23, 1973
Washington, D.C.

The Committee met to discuss their annual report and set the direction for FY '74.

APPENDIX C

FY '73 RECOMMENDATIONS AND IMPLEMENTATION

The following are the recommendations previously forwarded to the Secretary during FY '73, in chronological order of their submission, together with Departmental action.

NOMINEES FOR COMMISSIONS AND COUNCILS

The number of women candidates being considered for the eight Commissions and Councils established by the Education Amendments of 1972 was low. Therefore, the Committee recommended:

- *That is formulating these eight Commissions and Councils, the Secretary's designee be instructed to add a criterion of 50% women nominees and that women be represented in all subsections thereof.*
- *That the waiver process be discontinued because it operates as a convenient method to eliminate the meaningful participation of women on these Commissions and Councils.*
- *That procedures to assure women 50% representation should be permanently established and not be on an ad hoc basis.*

Of the six Commissions and Councils created by the Education Amendments of 1972, for which DHEW has the responsibility, five have been activited since that date. The percentage of women included in those appointments were as follows:

Advisory Council on Developing Institutions – 33%
National Advisory Council on Equality of Educational Opportunity – 27%
National Advisory Council on Indian Education – 47%
National Council on Educational Research – 13%
Board for the Fund for the Improvement of Postsecondary Education – 36%

WOMEN'S ACTION PROGRAM STAFF AND SPACE

The Committee voiced its concern relative to the wide range of responsibilities charged to the Women's Action Program and recommended:

- *That the WAP staff should be increased immediately to a skeletal strength of one program analyst to work with each of the six agencies, one deputy, and two additional clerical positions.*
- *That adequate space be provided for the staff assigned to the Advisory Committee and WAP.*

The staff allocations for the Women's Action Program included the following: one director, three program analysts, one management intern, one staff assistant, one temporary clerical, and six trainees. Staff allotments remain the same to date and staff needs should be determined by the new WAP Director. The WAP staff moved into their set of offices in October, 1972, then the Committee's staff moved into their allotted office space in February, 1973.

CAREER EDUCATION FILM

The Committee viewed the "Career Education" film being distributed through the Office of Education. Although members of the Committee generally approve the concept of career education and the use of films as a tool of communication, the response of the members to the film was uniformly negative. In this film with few exceptions, women were shown in secondary and passive roles, whereas men were shown in a wide variety of attractive career options. Therefore, the Committee recommended:

- *That distribution of the film "Career Education" be stopped and prints currently in circulation be recalled.*

- *That all current and future educational materials disseminated by HEW or reviewed through a mechanism set up by the Women's Action Program of the Department prior to release for use.*

The Secretary informed the Committee in a memorandum dated September 25, 1972, that the Office of Education's Office of Public Affairs recalled the "Career Education" film to be revised to correct a number of deficiencies including its portrayal of women before redistribution. In a follow-up memorandum dated July 24, 1973, the Assistant Secretary for Education explained that the film had been recalled, revised, and redistributed to the State education agencies and other educational institutions from which it had been recalled. The memorandum further stated that with the limited funds available, the producer was able to do little more than delete the segregated classroom sequences and add footage showing more women in professional and traditionally male-dominated careers. Future plans are to begin work on an entirely new film, designed specifically for wide public viewing, accurately depicting the concept and demonstrating viable classroom programs.

GUIDELINES FOR EXECUTIVE ORDER 11246, AS AMENDED

Three areas of concern were expressed to the Director of the Office for Civil Rights through the Executive Director of the Committee. These concerns were:

- *The Guidelines should deal with women and minorities separately when assessing and remedying discrimination through affirmative action.*

- *The Guidelines should adequately address the issue of back pay.*

- *The problem of how to approach graduate admissions; whether or not graduate admissions are subject to review under provisions of the Order.*

October 4, 1972, the Director of the Office for Civil Rights replied to these concerns as follows:

- The Higher Education Guidelines clearly articulate that the contractor shall establish and set forth specific goals and timetables separately for minorities and women.
- With the amendment to Title VII of the Civil Rights Act, the vast majority of cases of discrimination which require a back pay remedy will be covered. In those cases where no other act other than the Executive Order covers the matters, the Labor Department has authorized HEW to negotiate for back pay awards.
- Graduate school admissions is now covered by Title IX of the Education Amendments Act of 1972 barring sex discrimination in institutions of education.

EQUAL RIGHTS AMENDMENT

The Committee passed the following resolution regarding the Equal Rights Amendment to the U.S. Constitution:

> *WHEREAS: The Equal Rights Amendment was passed by Congress in March, 1972, and has been ratified by 26 states to date (February 16, 1973) of the 38 states required for ratification of the proposed 27th Amendment to the U.S. Constitution, and*
>
> *WHEREAS: The Secretary's Advisory Committee on the Rights and Responsibilities of Women of the Department of Health, Education, and Welfare has been reviewing policies and programs and their impact on women in this nation and in this connection has taken testimony from numerous men and women including all educational, socio-economic, and racial backgrounds, and*
>
> *WHEREAS: The Committee has found that laws, practices, and attitudes allowing and fostering discrimination on the basis of sex prevail in all areas of the United States and that to eliminate this discrimination uniform and immediate action must be taken.*
>
> *THEREFORE, BE IT RESOLVED: That the Secretary's Advisory Committee on the Rights and Responsibilities of Women strongly urges the immediate ratification of the Equal Rights Amendment by all states and requests the Secretary of HEW to publicly concur with this endorsement and so inform the Governors and leaders of the legislatures not yet having ratified the Equal Rights Amendment.*

On March 21, 1973, the Secretary endorsed the Equal Rights Amendment to the Constitution and said that the entire Nation, not just women will benefit from its enactment. Ratification of the Equal Rights Amendment is "needed to help complete that historic mission marked by our forefathers nearly 200 years ago, when they set out united as a people 'in order to form a more perfect union'."

FEDERAL WOMEN'S PROGRAM AND THE WOMEN'S ACTION PROGRAM

The Committee made the following recommendations regarding the reorganization of the Federal Women's Program and the Women's Action Program:

- *That the WAP and the FWP be combined into one program.*

- *That the status of the Director of this united program be elevated to that of a supergrade.*

- *That this new office be separate from the Office of Special Concerns and the Office of Equal Employment Opportunity.*

- *That with the recent resignation of the Director of WAP, a Director of the united program be appointed as soon as possible.*

On April 3, 1973, the Secretary elevated the Department Equal Employment Opportunity Program by designating the Under Secretary as Director of Equal Employment Opportunity for the Department, the Assistant Secretary for Administration and Management as the Deputy Director of Equal Employment Opportunity for the Department, and the following Department-wide programs comprise a staff office accountable directly to the Deputy Director of Equal Employment Opportunity: Equal Employment Opportunity, Federal Women's Program, and the 16-Point Program for Spanish Surnamed Americans. Currently, the Department Equal Employment Opportunity Program is being studied including the relationship of the Equal Employment Opportunity, Federal Women's Program, and the 16-Point Program for Spanish Surnamed Americans at all levels–Departmental, agency, and regional.

PROPOSED REGULATIONS FOR FEDERAL SOCIAL SERVICES

Prior to the release of the proposed regulations, the Committee voted to ask the Secretary to extend the deadline for comments to 90 days in order that all branches of government and all interested consumers of these programs could study the impact of these regulations.

The Department disapproved this request as over 10,000 comments and responses had been reviewed within the first three weeks after publication of the regulations.

Later the Committee made the following recommendation for revision of the proposed rules and regulations for Title IV-A of the Social Security Amendments of 1972:

- *That the eligibility provisions based narrowly on income be broadened to permit access of Title IV-A funded services to a larger segment of the poor and near-poor population.*

- *That private funds be permitted as matching for Federal funds in Title IV-A programs.*

On May 1, 1973, the Secretary issued revised regulations for Service Programs for Families and Children and for Aged, Blind or Disabled Individuals: Title I, IV (Parts A & B), X, XIV, and XVI of the Social Security Amendments. Since June 30, 1973, when Congress passed the Renegotiation Act of 1973 requiring DHEW to develop a new set of Title IV-A regulations, the 1968 Regulations have been in effect.

LISTING OF FEDERAL CONTRACTORS AND FEDERAL GRANTEES

To assist in the investigation of sex discrimination charges filed under the Executive Order with the Office for Civil Rights, the Committee made the following recommendation:

- *That the Secretary take the leading role in establishing a central file for HEW contracts in the Office of Procurement and Management and one for HEW grants in the Office of the Deputy Assistant Secretary for Grant Administration Policy.*

The Department disapproved the establishment of a central file for HEW contracts and grants, however, the Under Secretary directed the Office of the Assistant Secretary for Administration and Management to coordinate the development of an identification system for grants as well as contracts.

USE OF TITLES "MS." AND "CHAIRPERSON"

In responding to a statement from the Correspondence Control Unit regarding the elimination of the use of the titles "Ms." and "Chairperson" when responding to mail sent to the Secretary, the Committee made the following proposal:

- *Use "Mrs." or "Miss" for those women who sign correspondence as such, however, for those women who do not indicate a marital status or use "Ms." in their correspondence, use the title "Ms."*

- *Additionally, for those organizations that use the title of "Chairperson," the Department should address correspondence accordingly.*

In a March 21, 1973 memorandum, the Executive Secretary stated that if a writer of a letter to the Secretary uses the title "Ms." or "Chairperson" referring to herself or a third person, the Secretary prefers that these titles be retained in the response.

APPOINTMENT OF WOMEN IN DHEW

The members expressed their disappointment of the lack of appointment of women to top-level policy-making positions at the April meeting. They made the following recommendation:

- *That the Secretary appoint women to top-level policy-making positions not yet filled. Three positions of special interest at this time are: the Assistant Secretary for Human Development, the Director of the Office for Civil Rights, and the appointment of Virginia Smith to the post of Director of the Fund for the Improvement of Postsecondary Education in the Office of the Assistant Secretary for Education.*

On July 24, 1973, Stanley Thomas was confirmed by the Senate as Assistant Secretary for Human Development. On April 12, 1973, Peter Holmes was appointed Director of the Office for Civil Rights. Virginia Smith was appointed as Director of the Fund for the Improvement of Postsecondary Education on July 8, 1973.

CONTINUATION OF DHEW DAY CARE CENTERS

In view of the possible closing of the two DHEW Day Care Centers the Committee recommended:

- *That the two DHEW Day Care Centers not be closed until an alternative form of child care is made available for those parents with children in these centers as well as for employees in need of like services.*

A pilot project was put into operation in the Office of the Secretary Personnel Office which served as a child care information referral service for HEW employees. Just recently an agreement was reached for the DHEW Day Care Center which offers a developmental program for 65 pre-school children, ages 3, 4, & 5. The Center is to be administered by a Governing Board composed of the Parents' Advisory Committee (elected from among the parents), the Center Director, and a representative of the Department. Funding for the Center through October, 1974, will be provided by a combination of a grant from the Department, parent fees and fund-raising activities. After October, 1974, the parents will be responsible for assuring that the Center is funded.

CONTINUATION AND EXPANSION OF FAMILY PLANNING PROJECT

The Project Grant Authority for Title X of the Public Health Services Act of 1970 for family planning services and population research expires in June, 1973. Since the Committee is concerned about the continuation of family planning services they recommended:

- *That the Secretary support the extension of Project Grant Authority for Title X of the Public Health Services Act of 1970 for one year as an emergency measure so that funding will continue for family planning services under Title X with all its recognized assurances for quality of care, voluntary nature, and uniformity of care in all federal regions.*

The Department's 1974 budget proposes continuing family planning projects under Section 314(e) of the Public Health Services Act, thus no extension of the authority under Title X will be proposed. The Secretary stated in a memorandum dated May 22, 1973, that the Department through a combination of efforts is well on its way to provide family planning services to those in the target group of 6.6 million women who desire but cannot afford these services which is one of the primary intents of the Committee's recommendation.